



# भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित  
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सं. 9] नई दिल्ली, शनिवार, मार्च 2, 2002/फाल्गुन 11, 1923  
No. 9] NEW DELHI, SATURDAY, MARCH 2, 2002/PHALGUNA 11, 1923

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-Section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 15 फरवरी, 2002

का.आ. 686.—केन्द्रीय सरकार एतद्वारा दिल्ली कि  
विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधि-  
नियम, सं. 25) की धारा 6 के साथ पठित धारा 5 की  
उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए  
उड़ीसा राज्य सरकार, गृह विभाग की अधिसूचना सं. 455/सी  
दिनांक 28 जनवरी, 2002 द्वारा प्राप्त उड़ीसा राज्य  
सरकार की सहमति से पुरी स्थित भगवान जगन्नाथ के मंदिर

से 10/11 नवम्बर, 2001 की रात में मदन मोहन और  
अमावस्या नारायण की मूर्तियों की चोरी के संबंध में पुरी  
टाउन पुलिस स्टेशन में दर्ज मामला सं. 224/2001 दिनांक  
11 नवम्बर, 2001 में भारतीय दंड संहिता, 1860  
(1860 का अधिनियम सं. 45) की धारा 457 और  
380 के अधीन दंडनीय अपराधों और उपर्युक्त अपराधों में  
से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रे-  
रणों और षड्यंत्र तथा उसी संव्यवहार के अनुक्रम में किए  
गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और  
अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना

के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण उड़ीसा राज्य पर करती है ।

the temple of Lord Jagannath, Puri committed in the night of 10/11th November, 2001.

[सं. 228/77/2001-ए.वी.डी.-II]

शुभा ठाकुर, अवर सचिव

[No. 228/77/2001-AVD. II]

SHUBHA THAKUR, Under Secy.

MINISTRY OF PERSONNEL, PUBLIC  
GRIEVANCES AND PENSION

(Department of Personnel & Training)

New Delhi, the 15th February, 2002

S. O. 686.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Orissa Home Department vide Notification No. 455/C dated 28th January 2002, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole of the State of Orissa for investigation of offences punishable under section 457 and 380 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts registered at Puri Town Police Station Case No. 244/2001 dated 11th November, 2001 relating to the theft of idols of Madan Mohan and Amabasya Narayan from

विदेश मंत्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 14 फरवरी, 2002

का.आ. 687.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक(क) के अन्तर्गण में केन्द्रीय सरकार एतद्द्वारा भारत का दूतावास गोबोरोन में श्री एम. एस नायर, उच्च श्रेणी लिपिक को 14-02-2002 से महायुक्त कौंसली अधिकारी का कार्य करने के लिये प्राधिकृत करती है ।

[सं. टी. 4330/1/2002]

योगेश नारंग, उप सचिव(कोसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(C. P. V. Division)

New Delhi, the 14th February, 2002

S. O. 687.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri M. S. Nair, U. D. C. in the High Commission of



India, Gaborone to perform the duties of Assistant Consular Officer with effect from 14-02-2002.

[No. T. 4330/1/2002]

Y. C. NARANG, Dy. Secy. (Cons)

5 भारतीय खाद्य निगम,  
खाद्य भंडारण डिपो,  
रानीताल (हिमाचल प्रदेश)

[सं. ई-11011/1/2001-हिन्दी]

रजनी राजदान मयूक्त सचिव

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(खाद्य और सार्वजनिक वितरण विभाग)

नई दिल्ली, 5 फरवरी, 2002

का.आ. 688.— केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय (खाद्य और सार्वजनिक वितरण विभाग) के प्रशासनिक नियंत्रणाधीन भारतीय खाद्य निगम तथा इसके अधीनस्थ डिपुओं के निम्नलिखित कार्यालयों, जिसके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :—

1. भारतीय खाद्य निगम, जिला कार्यालय  
धर्मशाला (हिमाचल प्रदेश)

2. भारतीय खाद्य निगम, खाद्य  
भंडारण डिपो, नागरोटा,  
बगवां (हि.प्र.)

3. भारतीय खाद्य निगम,  
खाद्य भंडारण डिपो,  
सुल्तानपुर, चम्बा (हि.प्र.)

4. भारतीय खाद्य निगम,  
खाद्य भंडारण डिपो,  
ऊना (हिमाचल)

## MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Food and Public Distribution)  
New Delhi, the 5th February, 2002

S.O. 688.—In pursuance of sub-rule (4) of rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976 the Central Government hereby notifies the following offices of Food Corporation of India & its subordinate depots under the administrative control of the Ministry of Consumer Affairs, Food & Public Distribution (Deptt of Food & Public Distribution), where of more than 80% of Staff have acquired the working knowledge of Hindi :

1. Food Corporation of India,  
District Office,  
Dharamshala (H.P.)

2. Food Corporation of India,  
Food Storage Depot,  
Nagrota Bagwan (H.P.)

3. Food Corporation of India,  
Food Storage Depot,  
Sultanpur, Chamba, (H.P.)

4. Food Corporation of India,  
Food Storage, Depot, Una  
(H.P.)

5. Food Corporation of India,  
Food Storage Depot,  
Ranital (H.P.)

1. उप मंडल अधिकारी तार, फतेहपुर
2. उप मंडल अधिकारी, बिन्दकी
3. उप मंडल अधिकारी, खागा
4. उप मंडल अधिकारी ग्रुप एक्सचेंज (ग्रामीण) फतेहपुर
5. तारघर, फतेहपुर

[म.ई.-11016/1/99-रा. भा.]

कैलाश दत्ता, उप निदेशक (राजभाषा)

[No. E-11011/1/2001-Hindi]

RAJNI RAZDAN, Jt. Secy.

MINISTRY OF COMMUNICATIONS AND  
INFORMATION TECHNOLOGY

(Department of Telecommunications)

Official Language Section

New Delhi, the 15th February, 2002

संचार और सूचना प्रौद्योगिकी मंत्रालय

(दूरसंचार विभाग)

राजभाषा अनुभाग

नई दिल्ली, 15 फरवरी, 2002

का.आ. 689.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10(4) के अनुसरण में संचार और सूचना प्रौद्योगिकी मंत्रालय, दूरसंचार विभाग के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिसमें 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है।

मुख्य महाप्रबंधक दूरसंचार, भारत संचार निगम लिमिटेड,  
उत्तर प्रदेश पूर्वी परिमण्डल, लखनऊ

S. O. 689.—In pursuance of rule 10 (4) of the Official Language (use for official purpose of the Union), rules, 1976 the Central Government hereby notifies the following offices under the administrative control of Ministry of Communications and Information Technology, Department of Telecommunications where of more than 80 % staff have acquired working knowledge of Hindi.

Chief General Manager Telecom, BSNL Eastern  
Uttar Pradesh Circle, Lucknow

1. Sub Divisional Officer Telegraph, Fatehpur
2. Sub Divisional Officer, Bindki
3. Sub Divisional Officer, Khaga
4. Sub Divisional Officer Group Exchange (Rural) Fatehpur
5. Telegraph Office, Fatehpur

[No. E. 11016/1/99-(O.L.)]

KAILASH DUTTA, Dy. Director (O.L.)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 28 फरवरी, 2002

का. आ. 690.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक अपरिष्कृत तेल के परिवहन के लिये इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-कोयली, सेक्शन के संवर्द्धन के लिए पुनरीक्षित स्कीम के कार्यान्वयन के लिए एक पाइपलाइन बिछाई जानी चाहिये;

और केन्द्रीय सरकार को उक्त पाइप बिछाने के प्रयोजन के लिये यह आवश्यक प्रतीत होता है कि उम भूमि में जिसके भीतर पाइप लाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (की धारा 3 की उपधारा) (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में, श्री आर.एम.पंड्या, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड (पाइपलाइन प्रभाग) पो.वा.सं. 4, डाकघर विरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुका :आंकलाव		जिल्ला : आणंद		राज्य : गुजरात		
गाँव का नाम	सर्वे संख्या	क्षेत्रफल				
		उप-खण्ड संख्या	हेक्टर	एयर	वर्ग मीटर	
1	2	3	4	5	6	
आसोदर	223		0	03	35	
	222		0	20	61	
	108		0	13	85	
	106		0	01	96	
	109		0	04	99	
	114		0	14	97	
	115		0	08	57	
	117		0	18	96	
	119		0	12	10	
	118		0	01	73	
	131		0	05	95	
	79	2	0	06	92	
	79	1	0	03	26	
	80		0	06	25	
	81		0	00	20	

1	2	3	4	5	6
	77		0	10	43
	76	2	0	11	98
	76	1	0	05	76
	75		0	07	44
	74		0	00	81
	37		0	08	57
	41		0	09	18
	36		0	02	98
	35		0	13	64
	31		0	14	12
	34		0	05	28
	33		0	05	72
	17		0	05	99
	9/A		0	13	64
	9/B				
	9/C				
	10		0	12	25
	8		0	08	48
	1406	2	0	17	28
	1407		0	09	79
	1345		0	00	43
	1344		0	19	25
	1338		0	05	35
	1339		0	16	60
	1336		0	00	52
	1335		0	04	92
	1333		0	13	49
	1217		0	00	20
	1216		0	19	73
	1207		0	00	86
	1206		0	07	15
	1205		0	07	85
	1204		0	23	73
	1203		0	02	44
	1198		0	11	66
	1199		0	00	35
	1200		0	09	13
	1201		0	06	20
	1192		0	17	88
	1191		0	03	48
	999		0	00	62
	1000		0	15	61
	1001		0	03	05
	1002		0	03	88
	956		0	15	03
	1006		0	13	58
	955		0	03	01
	1105		0	03	41

1	2	3	4	5	6
	1104		0	06	70
	1106		0	00	20
	1103		0	04	07
	1102		0	02	96
	1100	2	0	08	80
	1093	1/P	0	02	24
	1093	2/P	0	05	69
	1094	1	0	19	87
	1091		0	09	64
	1090		0	03	25
	1089		0	02	71
	1088		0	04	82
	1087		0	04	05
	1086		0	00	44
	1085		0	14	09
	1081		0	22	19
	1078		0	20	89
भेटासी तणपद	163	1	0	08	60
	163	2			
	163	3			
	161		0	08	20
	162		0	20	81
	160		0	10	20
	158	1	0	10	91
	158	2			
	144	1	0	15	34
	144	2+3			
	148	1	0	10	27
	148	2			
	148	3			
	148	4			
	148	5			
	148	6			
	148	7			
	151		0	13	42
	150	1	0	07	49
	150	2			
	149	1	0	11	96
	149	2			
	94	1	0	28	62
	94	2			
	94	3			
	96	2	0	08	64
	96	2/A			
	90	1	0	09	24
	90	2			
	98	1		10	30
	98				
	89			04	21

1	2	3	4	5	6
भेटासी बा भाग	86		0	17	61
	96	1	0	21	07
	96	2/P			
	96	3			
	96	4			
	96	5			
	96	6			
	96	7			
	96	8			
	96	9			
	96	10			
	96	11			
	96	11/P			
	97		0	18	55
	98	1	0	06	89
	98	2			
	99/P		0	15	14
	99/P				
अंबाली	365		0	01	19
	364		0	20	15
	363		0	01	87
	362	1	0	16	30
	362	2			
	362	3			
	362	4			
	374		0	23	77
	354	1	0	15	21
	354	2			
	355		0	11	79
	353	1	0	00	58
	353	2			
	353	3			
	350		0	12	08
	349	1	0	15	72
	349	2+3			
	349	3			
	338	1	0	26	94
	338	2/1			
	338	2/2			
	338	3			
	335	1	0	13	10
	335	2			
	279		0	29	34

1	2	3	4	5	6
	278	1	0	00	48
	278	2			
	278	3			
	278	4			
	278	5			
	278	6			
	280		0	14	09
	246		0	21	18
	245	1	0	02	54
	245	2			
	228	1/1	0	17	75
	228	1/2			
	228	2			
	228	3			
	229		0	18	61
	230		0	18	57
	129		0	11	99
	128	1+2	0	08	84
	128	3			
	128	4			
	131		0	28	08
	136	1	0	15	69
	136	2			
	138	1	0	19	16
	138	2			
	140	1	0	20	20
	140	2			
	140	3			
	140	4			
	146	1	0	15	32
	146	2	0	00	59
	147	1	0	14	60
	147	2			
	147	3			
	147	4			
	148		0	05	92
	149	1	0	05	40
	149	2			
	149	3			
	149	4			
	83		0	17	45
आमरोल	85	2	0	06	60
	85	1	0	21	69
	84		0	18	90
	83		0	14	81

1	2	3	4	5	6
	82	1	0	00	20
	82	2			
	82	3			
	82	4			
	75		0	15	52
	74		0	13	99
	69		0	00	20
	73		0	14	14
	72	1	0	05	87
	72	2			
	72	3			
	72	4			
	72	5			
	20		0	18	95
	24	1	0	15	54
	24	2			
	26		0	30	18
	29	1+2+3	0	44	79
	29	4			
	29	5			
	29	6			
	29	7			
	29	8			
	29	9			
	29	10			
	29	11			
	29	12			
	543	1	0	15	45
	543	2			
	387		0	20	82
	385		0	18	01
	357		0	27	26
	358	1	0	07	95

फा. सं. आर-25011/3/2002—ओआर-1]

एस. एस. केमवाल्ले, अवर सचिव

### Ministry of Petroleum and Natural Gas

New Delhi, the 28th February, 2002

S. O. 690.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Viramgam to Koyali in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the augmentation of Viramgam – Koyali Section of Salaya-Mathura Pipeline System;



And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notifications as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Competent Authority, Shri R.M. Pandya Indian Oil Corporation Limited, (Pipelines Division), P.B. No. 4, P.O. Viramgam, Distt. Ahmedabad, Gujarat – 382150.

### SCHEDULE

Taluka : ANKLAV		District : ANAND		State : GUJARAT	
Name of the Village	Survey No.	Sub-Division No.	Area		
			Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
ASODAR	223		0	03	35
	222		0	20	61
	108		0	13	85
	106		0	01	96
	109		0	04	99
	114		0	14	97
	115		0	08	57
	117		0	18	96
	119		0	12	10
	118		0	01	73
	131		0	05	95
	79	2	0	06	92
	79	1	0	03	26
	80		0	06	25
	81		0	00	20
	77		0	10	43
	76	2	0	11	98
	76	1	0	05	76
	75		0	07	44
	74		0	00	81
	37		0	08	57
	41		0	09	18
	36		0	02	98

1	2	3	4	5	6
	35		0	13	64
	31		0	14	12
	34		0	05	28
	33		0	05	72
	17		0	05	99
	9/A		0	13	64
	9/B				
	9/C				
	10		0	12	25
	8		0	08	48
	1406	2	0	17	28
	1407		0	09	79
	1345		0	00	43
	1344		0	19	25
	1338		0	05	35
	1339		0	16	60
	1336		0	00	52
	1335		0	04	92
	1333		0	13	49
	1217		0	00	20
	1216		0	19	73
	1207		0	00	86
	1206		0	07	15
	1205		0	07	85
	1204		0	23	73
	1203		0	02	44
	1198		0	11	66
	1199		0	00	35
	1200		0	09	13
	1201		0	06	20
	1192		0	17	88
	1191		0	03	48
	999		0	00	62
	1000		0	15	61
	1001		0	03	05
	1002		0	03	88
	956		0	15	03
	1006		0	13	58
	955		0	03	01
	1105		0	03	41
	1104		0	06	70
	1106		0	00	20
	1103		0	04	07
	1102		0	02	96
	1100	2	0	08	80
	1093	1/P	0	02	24
	1093	2/P	0	05	69
	1094	1	0	19	87

1	2	3	4	5	6
	1091		0	09	64
	1090		0	03	25
	1089		0	02	71
	1088		0	04	82
	1087		0	04	05
	1086		0	00	44
	1085		0	14	09
	1081		0	22	19
	1078		0	20	89
<b>BHETASI TALPAD</b>	163	1	0	08	60
	163	2			
	163	3			
	161		0	08	20
	162		0	20	81
	160		0	10	20
	158	1	0	10	91
	158	2			
	144	1	0	15	34
	144	2+3			
	148	1	0	10	27
	148	2			
	148	3			
	148	4			
	148	5			
	148	6			
	148	7			
	151		0	13	42
	150	1	0	07	49
	150	2			
	149	1	0	11	96
	149	2			
	94	1	0	28	62
	94	2			
	94	3			
	96	2	0	08	64
	96	2/A			
	90	1	0	09	24
	90	2			
	98	1	0	10	30
	98	2			
	89		0	04	21
<b>BHETASI BA BHAG</b>	86		0	17	61
	96	1	0	21	07
	96	2P			
	96	3			
	96	4			
	96	5			

1	2	3	4	5	6
	96	6			
	96	7			
	96	8			
	96	9			
	96	10			
	96	11			
	96	11P			
	97		0	18	55
	98	1	0	06	89
	98	2			
	99/P		0	15	14
	99/P				
<b>AMBALI</b>	365		0	01	19
	364		0	20	15
	363		0	01	87
	362	1	0	16	30
	362	2			
	362	3			
	362	4			
	374		0	23	77
	354	1	0	15	21
	354	2			
	355		0	11	79
	353	1	0	00	58
	353	2			
	353	3			
	350		0	12	08
	349	1	0	15	72
	349	2+3			
	349	3			
	338	1	0	26	94
	338	2/1			
	338	2/2			
	338	3			
	335	1	0	13	10
	335	2			
	279		0	29	34
	278	1	0	00	48
	278	2			
	278	3			
	278	4			
	278	5			
	278	6			
	280		0	14	09
	246		0	21	18
	245	1	0	02	54
	245	2			

1	2	3	4	5	6
	228	1/1	0	17	75
	228	1/2			
	228	2			
	228	3			
	229		0	18	61
	230		0	18	57
	129		0	11	99
	128	1+2	0	08	84
	128	3			
	128	4			
	131		0	28	08
	136	1	0	15	69
	136	2			
	138	1	0	19	16
	138	2			
	140	1	0	20	20
	140	2			
	140	3			
	140	4			
	146	1	0	15	32
	146	2	0	00	59
	147	1	0	14	60
	147	2			
	147	3			
	147	4			
	148		0	05	92
	149	1	0	05	40
	149	2			
	149	3			
	149	4			
	83		0	17	45
<b>AMROL</b>	85	2	0	06	60
	85	1	0	21	69
	84		0	18	90
	83		0	14	81
	82	1	0	00	20
	82	2			
	82	3			
	82	4			
	75		0	15	92
	74		0	13	99
	69		0	00	20
	73		0	14	14
	72	1	0	05	87
	72	2			
	72	3			
	72	4			
	72	5			

1	2	3	4	5	6
	20		0	18	95
	24	1	0	15	54
	24	2			
	26		0	30	18
	29	1+2+3	0	44	79
	29	4			
	29	5			
	29	6			
	29	7			
	29	8			
	29	9			
	29	10			
	29	11			
	29	12			
	543	1	0	15	45
	543	2			
	387		0	20	82
	385		0	18	01
	357		0	27	26
	358	1	0	07	95

[No. R-25011/3/2002—OR-I]  
S. S. KEMWAL, Under Secy.

नई दिल्ली, 28 फरवरी, 2002

का. आ. 691.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक अपरिष्कृत तेल के परिवहन के लिये इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-कोयली, सेक्शन के संवर्द्धन के लिए पुनरीक्षण स्कीम के कार्यान्वयन के लिए एक पाइपलाइन विछाई जानी चाहिये;

और केन्द्रीय सरकार को उक्त पाइप विछाने के प्रयोजन के लिये यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर पाइप लाइन विछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (की धारा 3 की उपधारा) (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुये, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितवद्ध है उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन विछाने के संबंध में, श्री आर.एम.पंड्या, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड (पाइपलाइन प्रभाग) पो.वा.मं. 4, डाकघर विरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

## अनुसूची

तालुका : पेटलाद		जिल्ला : आणंद		राज्य : गुजरात		
गोंव का नाम	सर्वे संख्या	क्षेत्रफल				
		उप-खण्ड संख्या	हेक्टर	एयर	वर्ग मीटर	
1	2	3	4	5	6	
बामरोली	955		0	03	03	
	942		0	02	51	
	943		0	04	48	
	944		0	05	81	
	945		0	02	26	
	941	2	0	04	05	
	941	1	0	03	85	
	857		0	07	74	
	858		0	08	56	
	855		0	16	30	
	862		0	11	27	
	863		0	00	20	
	864		0	13	97	
	865		0	03	63	
	851		0	00	20	
	850		0	13	82	
	849		0	07	07	
	848		0	00	59	
	833		0	23	15	
	834		0	02	86	
	835		0	00	20	
	832		0	15	51	
	788		0	09	53	
संजाया	207		0	05	06	
	208		0	27	63	
	209		0	00	20	
	214		0	02	71	
	215		0	05	65	
	216		0	08	47	
	217		0	07	56	
	308		0	03	58	
	299		0	03	28	
	300		0	13	71	
	301		0	00	65	
	297		0	03	11	
	296		0	08	22	
	291		0	12	91	
	295		0	00	47	
	282		0	00	89	
	292		0	05	36	
	281		0	17	55	
	280		0	05	50	
	365		0	02	57	

1	2	3	4	5	6
	377		0	10	82
	378		0	09	92
	380		0	14	58
	383		0	00	85
	381		0	02	60
	382		0	08	65
	676A		0	00	20
	675A		0	07	92
	402		0	09	37
	402A		0	01	97
	403		0	00	20
	403A		0	10	00
	661		0	02	60
	407		0	01	86
	409		0	04	21
	410		0	04	47
	412		0	05	15
	411		0	00	20
	414		0	11	38
	415		0	13	57
	420		0	00	20
	421		0	00	96
	496		0	02	10
	495		0	09	57
	498A		0	00	24
	498		0	00	20
	506		0	03	76
	507		0	11	29
	508		0	00	68
	505		0	17	12
	504		0	11	30
	510		0	18	09
	512		0	12	24
	543		0	08	92
	544		0	00	34
पाडगोल	309		0	01	37
	311		0	09	73
	313		0	08	37
	316		0	18	57
	385		0	00	67
	386		0	02	16
	400		0	07	56
	401		0	01	42
	402		0	01	18
	405		0	04	27
	404		0	00	88
	408		0	12	48



1	2	3	4	5	6
	410		0	15	07
	409		0	01	14
	411		0	00	20
रावली	549		0	30	10
	548		0	12	24
	545		0	00	82
	552		0	00	20
	551		0	21	80
	554		0	11	07
	555		0	07	26
	561		0	27	79
	562		0	01	93
	556		0	07	14
	517		0	18	91
	497		0	07	29
	498		0	16	12
	499		0	12	30
	438		0	19	78
	436		0	16	29
	435		0	04	22
	399		0	12	54
	431		0	05	39
	403		0	30	70
	405		0	02	37
	408		0	25	73
	406		0	00	98
	407		0	34	23
	344		0	18	28
	343		0	14	51
	342		0	00	20
घुन्टेली	65		0	07	37
	73		0	01	86
	85		0	09	15
	84		0	10	94
	81		0	18	44
	82		0	05	14
	113		0	00	67
	112		0	01	42
	111		0	09	13
	116		0	08	63
	117		0	08	62
	125		0	04	56
	126		0	19	16
	128		0	00	92
	129		0	13	81
	136		0	11	38

1	2	3	4	5	6
	135		0	14	69
	154		0	17	75
	152		0	02	83
	206		0	12	78
	205		0	10	82
	163		0	28	70
	165		0	00	20
मोरड	454		0	37	75
	467		0	51	13
	475		0	08	09
	498		0	08	48
	497		0	22	15
	536		0	14	01
	533		0	40	84
	573		0	11	49
	572		0	26	77
	584		0	07	90
	586		0	12	54
	587		0	13	71
	624		0	20	27
	647		0	16	27
	646		0	01	11
	645		0	07	59
	648		0	13	59
	640		0	14	97
बोरीया	347		0	18	13
	348		0	09	37
	351		0	06	53
	352		0	23	07

फा. सं. आर-25011/3/2002—ओआर-1]

एस. एस. केमवाल, अव्वर सविच

New Delhi, the 28th February, 2002

S. O. 691.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Viramgam to Koyali in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the augmentation of Viramgam – Koyali Section of Salaya-Mathura Pipeline System;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notifications as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Competent Authority, Shri R.M. Pandya Indian Oil Corporation Limited, (Pipelines Division), P.B. No. 4, P.O. Viramgam, Distt. Ahmedabad, Gujarat – 382150.

### SCHEDULE

Taluka : PETLAD		District : ANAND		State : GUJARAT	
Name of the Village	Survey No.	Sub-Division No.	Area		
			Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
BAMROLI	955		0	03	03
	942		0	02	51
	943		0	04	48
	944		0	05	81
	945		0	02	26
	941	2	0	04	05
	941	1	0	03	85
	857		0	07	74
	858		0	08	56
	855		0	16	30
	862		0	11	27
	863		0	00	20
	864		0	13	97
	865		0	03	63
	851		0	00	20
	850		0	13	82
	849		0	07	07
	848		0	00	59
	833		0	23	15
	834		0	02	86
	835		0	00	20
	832		0	15	51
	788		0	09	53
SANJAYA	207		0	05	06
	208		0	27	63
	209		0	00	20
	214		0	02	71
	215		0	05	65

1	2	3	4	5	6
	216		0	08	47
	217		0	07	56
	308		0	03	58
	299		0	03	28
	300		0	13	71
	301		0	00	65
	297		0	03	11
	296		0	08	22
	291		0	12	91
	295		0	00	47
	282		0	00	89
	292		0	05	36
	281		0	17	55
	280		0	05	50
	365		0	02	57
	377		0	10	82
	378		0	09	92
	380		0	14	58
	383		0	00	85
	381		0	02	60
	382		0	08	65
	676A		0	00	20
	675A		0	07	92
	402		0	09	37
	402A		0	01	97
	403		0	00	20
	403A		0	10	00
	661		0	02	60
	407		0	01	86
	409		0	04	21
	410		0	04	47
	412		0	05	15
	411		0	00	20
	414		0	11	38
	415		0	13	57
	420		0	00	20
	421		0	00	96
	496		0	02	10
	495		0	09	57
	498A		0	00	24
	498		0	00	20
	506		0	03	76
	507		0	11	29
	508		0	00	68
	505		0	17	12
	504		0	11	30
	510		0	18	09
	512		0	12	24
	543		0	08	92
	544		0	00	34

1	2	3	4	5	6
<b>PADGOL</b>	309		0	01	37
	311		0	09	73
	313		0	08	37
	316		0	18	57
	385		0	00	67
	386		0	02	16
	400		0	07	56
	401		0	01	42
	402		0	01	18
	405		0	04	27
	404		0	00	88
	408		0	12	48
	410		0	15	07
	409		0	01	14
	411		0	00	20
<b>RAVALI</b>	549		0	30	10
	548		0	12	24
	545		0	00	82
	552		0	00	20
	551		0	21	80
	554		0	11	07
	555		0	07	26
	561		0	27	79
	562		0	01	93
	556		0	07	14
	517		0	18	91
	497		0	07	29
	498		0	16	12
	499		0	12	30
	438		0	19	78
	436		0	16	29
	435		0	04	22
	399		0	12	54
	431		0	05	39
	403		0	30	70
	405		0	02	37
	408		0	25	73
	406		0	00	98
	407		0	34	23
	344		0	18	28
	343		0	14	51
	342		0	00	20
<b>GUNTELI</b>	65		0	07	37
	73		0	01	86
	85		0	09	15
	84		0	10	94

1	2	3	4	5	6
	81		0	18	44
	82		0	05	14
	113		0	00	67
	112		0	01	42
	111		0	09	13
	116		0	08	63
	117		0	08	62
	125		0	04	56
	126		0	19	16
	128		0	00	92
	129		0	13	81
	136		0	11	38
	135		0	14	69
	154		0	17	75
	152		0	02	83
	206		0	12	78
	205		0	10	82
	163		0	28	70
	165		0	00	20
<b>MORAD</b>	454		0	37	75
	467		0	51	13
	475		0	08	09
	498		0	08	48
	497		0	22	15
	536		0	14	01
	533		0	40	84
	573		0	11	49
	572		0	26	77
	584		0	07	90
	586		0	12	54
	587		0	13	71
	624		0	20	27
	647		0	16	27
	646		0	01	11
	645		0	07	59
	648		0	13	59
	640		0	14	97
<b>BORIYA</b>	347		0	18	13
	348		0	09	37
	351		0	06	53
	352		0	23	07

[No. R-25011/3 2002—OR-I]  
S. S. KEMWAL, Under Secy.

नई दिल्ली, 28 फरवरी, 2002

क्र. अ. 692.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक अपरिष्कृत तेल के परिवहन के लिये इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-कोयली, सेक्शन के संवर्द्धन के लिए पुनरीक्षित स्कीम के कार्यान्वयन के लिए एक पाइपलाइन बिछाई जानी चाहिये;

और केन्द्रीय सरकार को उक्त पाइप बिछाने के प्रयोजन के लिये यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर पाइप लाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (की धारा 3 की उपधारा) (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में, श्री आर.एम.पंडया, सक्षम प्राधिकारी, इंडियन ऑयल कॉरपोरेशन लिमिटेड (पाइपलाइन प्रभाग) पो.वा.सं. 4, डाकघर विरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

## अनुसूची

तालुका : आणंद		जिल्ला : आणंद		राज्य : गुजरात	
गाँव का नाम	सर्वे संख्या	क्षेत्रफल			
		उप-खण्ड संख्या	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
वलासन	350		0	25	44
	358		0	00	20
	359		0	13	36
	360		0	02	20
	361		0	07	49
	348		0	14	18
	374		0	23	47
	375		0	03	87
	376		0	11	85
	377		0	11	90
	304		0	09	64
	306		0	00	24
	305		0	16	33
	279		0	22	49
	275		0	22	85
	276		0	01	54
272		0	14	38	

1	2	3	4	5	6
करमसद	1621	1	0	15	73
	1621	2			
	1296	1	0	09	67
	1296	2			
	1271	1	0	13	53
	1271	2			
	1271	3			
	1271	4			
	1271	5			
	1271	6			
	1271	7			
	1271	8			
	1271	9			
	1295	1	0	01	71
	1295	2			
	1272	1	0	72	34
	1272	2+3+6A			
	1272	4/1			
	1272	4/2			
	1272	5			
	1272	6B			
	1272	7A			
	1272	7B			
	1273		0	00	23
	1276	1/1	0	00	56
	1277		0	20	14
	1278	1	0	12	53
	1278	2			
	1278	3			
	1279	1	0	05	85
	1279	2			
	1279	3			
	1279	4			
	1279	5A			
	1279	5B+5C			
	1279	6A			
	1279	6B+6C			
	1280	1	0	33	94
	1280	2			
	1251		0	02	15
	1240	1	0	40	48
	1240	2			
	1242	1/1	0	02	36
	1242	1/2			
	1242	2			
	1242	3			
	1242	4			



1	2	3	4	5	6
	1238	1	0	00	20
	1238	2			
	1237	1	0	27	48
	1237	2/A			
	1237	2/B			
	1236	1/1	0	08	86
	1236	1/2			
	1236	2			
	1234	1	0	19	12
	1234	2			
	955/1	1	0	06	23
	955/2	2			
	954		0	05	26
संदेसर	1420		0	00	91
	1421		0	08	53
	1422		0	06	90
	1423		0	07	94
	1424		0	09	60
	1459		0	01	24
	1460		0	03	37
	1458		0	00	20
	1461		0	05	81
	1457		0	11	31
	1463		0	00	20
	1480		0	08	46
	1476		0	05	53
	1477		0	08	45
	1478		0	07	03
	1473		0	04	06
	1492		0	01	97
	1493		0	17	73
	1505		0	08	71
	1504		0	08	56
	1548		0	01	94
	1557		0	11	56
	1558		0	15	73
	1559		0	00	33
	1560		0	08	29
	1562		0	03	20
	1561		0	21	58
	1637		0	04	24
	1636		0	00	20
	1648		0	15	41
	1649		0	02	99
	1653		0	09	73
	1652		0	00	20
	1654		0	11	67
	1655		0	06	45
	1656		0	25	80

1	2	3	4	5	6
गाना	241	1	0	39	09
	241	2			
	241	3			
	241	4			
	242	1+2+3	0	02	05
	239	1	0	10	89
	239	2+3			
	238		0	01	78
	237	1+2	0	08	28
	237	3			
	237	4			
	237	5			
	235		0	06	83
	233	1+3	0	06	45
	233	2			
	232		0	01	78
	248	1	0	04	49
	248	2			
	248	3			
	248	4			
	248	5			
	248	6			
	249	1	0	15	62
	249	2			
	228	1	0	06	94
	228	2			
	226	1	0	10	45
	226	2			
	227		0	08	06
	220	1	0	01	62
	220	2			
	220	3			
	221	1	0	11	91
	221	2			
	212	1	0	11	32
	212	2+3			
मेघवा गाना	183	1/A	0	16	51
	183	1/B			
	183	2			
	183	3			
	183	4			
	184		0	05	90
	185	1	0	12	28
	185	2			
	189	1/P	0	00	20
	189	1/P			
	189	1			

1	2	3	4	5	6
	189	2/1			
	189	2/1/P			
	189	2/2			
	189	3			
	189	4			
	189	5			
	188	1	0	18	23
	188	2			
	187	1/A	0	08	39
	187	1/B			
	187	2/P			
	187	2/P			
	187	3			
	187	3/P			
	194	1+2	0	25	78
	194	3			
	194	4			
	194	5			
	194	6			
	194	7			
	194	8/A			
	194	8/B			
	196	1	0	17	71
	196	2			
	196	3			
	196	4			
	196	5			
	196	6			
	196	7			
	206	1	0	34	23
	206	2			
	206	3			
	206	4			
	206	5/1			
	206	5/2			
	206	5/3			
	206	6			
	206	7			
	206	8			
	206	9			
	209	1/A	0	29	94
	209	1/B			
	209	2			
	210		0	18	37
	222		0	02	10
	211		0	04	86
	221		0	23	28
	220		0	09	75

फा. सं. आर-25011/7/2002—ओआर-I]

एस. एस. केमवाल, अवर सविच

New Delhi, the 28th February, 2002

S. O. 692.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Viramgam to Koyali in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the augmentation of Viramgam – Koyali Section of Salaya-Mathura Pipeline System;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notifications as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Competent Authority, Shri R.M. Pandya Indian Oil Corporation Limited, (Pipelines Division), P.B. No. 4, P.O. Viramgam, Distt. Ahmedabad, Gujarat – 382150.

### SCHEDULE

Taluka : ANAND		District : ANAND		State : GUJARAT	
Name of the Village	Survey No.	Sub-Division No.	Area		
			Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
VALASAN	350		0	25	44
	358		0	00	20
	359		0	13	36
	360		0	02	20
	361		0	07	49
	348		0	14	18
	374		0	23	47
	375		0	03	87
	376		0	11	85
	377		0	11	90
	304		0	09	64
	306		0	00	24
	305		0	16	33
	279		0	22	49
	275		0	22	85
	276		0	01	54
	272		0	14	38

1	2	3	4	5	6
<b>KARAMSAD</b>	1621	1	0	15	73
	1621	2			
	1296	1	0	09	67
	1296	2			
	1271	1	0	13	53
	1271	2			
	1271	3			
	1271	4			
	1271	5			
	1271	6			
	1271	7			
	1271	8			
	1271	9			
	1295	1	0	01	71
	1295	2			
	1272	1	0	72	34
	1272	2+3+6A			
	1272	4/1			
	1272	4/2			
	1272	5			
	1272	6B			
	1272	7A			
	1272	7B			
	1273		0	00	23
	1276	1/1	0	00	56
	1277		0	20	14
	1278	1	0	12	53
	1278	2			
	1278	3			
	1279	1	0	05	86
	1279	2			
	1279	3			
	1279	4			
	1279	5A			
	1279	5B+5C			
	1279	6A			
	1279	6B+6C			
	1280	1	0	33	94
	1280	2			
	1251		0	02	15
	1240	1	0	40	45
	1240	2			
	1242	1/1	0	02	36
	1242	1/2			
	1242	2			
	1242	3			
	1242	4			
	1238	1	0	00	20
	1238	2			

1	2	3	4	5	6
	1237	1	0	27	48
	1237	2/A			
	1237	2/B			
	1236	1/1	0	08	86
	1236	1/2			
	1236	2			
	1234	1	0	19	12
	1234	2			
	955	1	0	06	23
	955	2			
	954		0	05	26
<b>SANDESAR</b>	1420		0	00	91
	1421		0	08	53
	1422		0	06	90
	1423		0	07	94
	1424		0	09	60
	1459		0	01	24
	1460		0	03	37
	1458		0	00	20
	1461		0	05	81
	1457		0	11	31
	1463		0	00	20
	1480		0	08	46
	1476		0	05	53
	1477		0	08	45
	1478		0	07	03
	1473		0	04	06
	1492		0	01	97
	1493		0	17	73
	1505		0	08	71
	1504		0	08	56
	1548		0	01	94
	1557		0	11	56
	1558		0	15	73
	1559		0	00	33
	1560		0	08	29
	1562		0	03	20
	1561		0	21	58
	1637		0	04	24
	1636		0	00	20
	1648		0	15	41
	1649		0	02	99
	1653		0	09	73
	1652		0	00	20
	1654		0	11	67
	1655		0	06	45
	1656		0	25	80

1	2	3	4	5	6
<b>GANA</b>	241	1	0	39	09
	241	2			
	241	3			
	241	4			
	242	1+2+3	0	02	05
	239	1	0	10	89
	239	2+3			
	238		0	01	78
	237	1+2	0	08	28
	237	3			
	237	4			
	237	5			
	235		0	06	83
	233	1+3	0	06	45
	233	2			
	232		0	01	78
	248	1	0	04	49
	248	2			
	248	3			
	248	4			
	248	5			
	248	6			
	249	1	0	15	62
	249	2			
	228	1	0	06	94
	228	2			
	226	1	0	10	45
	226	2			
	227		0	08	06
	220	1	0	01	62
	220	2			
	220	3			
	221	1	0	11	91
	221	2			
	212	1	0	11	32
	212	2+3			
<b>MEGHVA GANA</b>	183	1/A	0	16	51
	183	1/B			
	183	2			
	183	3			
	183	4			
	184		0	05	90
	185	1	0	12	28
	185	2			
	189	1/P	0	00	20
	189	1/P			
	189	1			
	189	2/1			

1	2	3	4	5	6
	189	2/1/P			
	189	2/2			
	189	3			
	189	4			
	189	5			
	188	1	0	18	23
	188	2			
	187	1/A	0	08	39
	187	1/B			
	187	2/P			
	187	2/P			
	187	3			
	187	3/P			
	194	1+2	0	25	78
	194	3			
	194	4			
	194	5			
	194	6			
	194	7			
	194	8/A			
	194	8/B			
	196	1	0	17	71
	196	2			
	196	3			
	196	4			
	196	5			
	196	6			
	196	7			
	206	1	0	34	23
	206	2			
	206	3			
	206	4			
	206	5/1			
	206	5/2			
	206	5/3			
	206	6			
	206	7			
	206	8			
	206	9			
	209	1/A	0	29	94
	209	1/B			
	209	2			
	210		0	18	37
	222		0	02	10
	211		0	04	86
	221		0	23	28
	220		0	09	75

[No. R-25011/7/2002—OR-I]  
S. S. KEMWAL, Under Secy.



नई दिल्ली, 28 फरवरी, 2002

का. आ. 693.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से कोयली तक अपरिष्कृत तेल के परिवहन के लिये इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-कोयली, सेक्शन के संवर्द्धन के लिए पुनरीक्षित स्कीम के कार्यान्वयन के लिए एक पाइपलाइन बिछाई जानी चाहिये;

और केन्द्रीय सरकार को उक्त पाइप बिछाने के प्रयोजन के लिये यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर पाइप लाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (की धारा 3 की उपधारा) (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितवद्ध है उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में, श्री आर.एम.पंडया, सक्षम प्राधिकारी, इंडियन ऑयल कॉरपोरेशन लिमिटेड (पाइपलाइन प्रभाग) पो.वा.सं. 4, डाकघर विरमगाम, जिला अहमदाबाद, गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

**अनुसूची**

तालुका : बोरसद		जिल्ला : आणंद		राज्य : गुजरात	
गाँव का नाम	सर्वे संख्या	क्षेत्रफल			
		उप-खण्ड संख्या	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
नापा तलपद	200	1	0	18	48
	200	2			
	200	3			
	190		0	17	99
	192	1	0	12	81
	192	2			
	192	3			
	192	4			
	192	5			
	192	6			
	189	1	0	06	97
	189	1/2			
	189	1/3			
	189	2			
	188		0	14	72
	172		0	03	57
	174	1	0	18	24
	174	2			
	174	3			

1	2	3	4	5	6
	176 }	1	0	07	64
	176 }	2			
	175		0	06	12
	177 }	1	0	01	47
	177 }	2			
	158 }	1	0	12	78
	158 }	2			
	152		0	00	20
	153 }	1	0	12	46
	153 }	2			
	154 }	1	0	14	02
	154 }	2			
	155 }	1	0	01	84
	155 }	2			
	139 }	1	0	42	65
	139 }	2			
	140 }	1	0	11	08
	140 }	2			
	129		0	05	48
	128		0	17	29
	127 }	1	0	14	83
	127 }	2			
	125 }	1	0	08	91
	125 }	2			
	124		0	17	55
	121		0	09	67
	119 }	1	0	23	15
	119 }	2			
	118 }	1	0	07	74
	118 }	2			
नापा बान्टो	720		0	09	82
	721		0	32	37
	318		0	15	98
	317		0	06	53
	315		0	00	90
	316 }	1	0	05	37
	316 }	2			
	314		0	10	81
	313 }	1	0	10	93
	313 }	2			
	312 }	1	0	17	23
	312 }	2			
	279		0	32	33
	278		0	18	50
	205		0	03	17
	206		0	09	84

1	2	3	4	5	6
	207		0	09	18
	208	1	0	16	20
	208	2			
	209	1	0	00	97
	209	2			
	201		0	11	83
	200		0	00	20
	211/P		0	20	46
	211/P				
	266/p		0	08	87
	266/p				
	259	1	0	13	29
	259	2			
	258		0	01	11
	260		0	00	20
	256		0	18	17
	257		0	05	34
	254	1	0	10	86
	254	2			
	235	1	0	14	40
	235	2			
	236		0	19	03
	237		0	19	81
	238/p		0	09	85
	238/p				
नामन	230		0	00	84
	229		0	04	58
	228		0	02	06
	227		0	02	20
	226		0	01	72
	220		0	23	03
	220/A				
	221		0	15	42
	172		0	06	80
	176		0	10	89
	175		0	01	75
	177		0	00	90
	181		0	11	82
	182		0	12	71
	184		0	01	88
	185		0	21	67
	186		0	02	62
दहेमी	153		0	14	83
	154		0	12	20
	155		0	21	78

1	2	3	4	5	6
	157		0	02	33
	158		0	06	26
	159		0	17	27
	179		0	12	74
	178		0	04	06
	181		0	07	62
	177		0	12	50
	185		0	04	95
	186		0	07	40
	184		0	03	39
	187		0	07	86
	192		0	09	20
	189		0	05	44
	190		0	06	96
	348		0	15	49
	344		0	14	17
	337		0	03	09
	336		0	16	09
	334		0	17	41
	470		0	08	95
	461		0	02	05
	469		0	17	74
	464		0	08	10
	465		0	05	71
	466		0	04	80
	569		0	06	14
	568		0	28	59
	566		0	02	23
	565		0	13	56
	564		0	18	22
	562		0	05	46
	561		0	18	96
	559		0	01	81
	648		0	15	86
कसुम्बड	69	1	0	16	12
	69	2/A			
	69	2/B/P			
	69	2/A/B			
	71		0	00	54
	70		0	12	78
	75	1	0	16	98
	75	2			
	77		0	06	13
	79	1	0	10	32
	79	2			

1	2	3	4	5	6
	82	1	0	16	16
	82	2			
	82	3			
	82	4			
	82	5			
	82	6			
	113		0	27	99
	98		0	00	44
	114	1	0	01	06
	114	2			
	114	3			
	112	1	0	14	38
	112	2			
	115		0	01	10
	111	1	0	19	78
	111	2			
	111	3			
	111	4			
	111	5			
	121	1	0	03	31
	121	2			
	121	3			
	120	1	0	04	77
	120	2			
	120	3			
	120	4			
	120	5			
	120	6			
	120	7			
	120	8			
	120	9			
	124		0	23	18
	125		0	13	80
	146	1	0	22	74
	146	2			
	146	3			
	146	4			
	146	5			
	146	6			
	147		0	07	02
	148	1	0	07	26
	148	2			
	148	3			
	148	3/A			
	144	1+2	0	09	82
	144	3			
	144	4			
	144	5			

1	2	3	4	5	6
	143	1+2+3	0	00	60
	143	4			
	143	5			
	143	6			
	143	7			
	143	8			
	143	9			
	143	10			
	168	1	0	21	95
	168	2			
	169	1/1	0	10	09
	169	1/2			
	169	2			
	169	3+4			
	177	1	0	19	50
	177	2			
	177	3			
	177	4			
	177	5			
	177	6			
	177	7			
	177	8			
	170	1	0	00	51
	170	2			
	170	3			
	170	4			
	176		0	14	54
	287		0	16	35
हरखापुरा	204	1	0	25	01
	204	2			
	203		0	15	44
	205	1	0	00	20
	205	2			
	198	1	0	10	90
	198	2			
	198	3			
	198	4			
	197	1	0	18	18
	197	2			
	197	3			
	181	1	0	01	61
	181	2			
	181	3			
	179	1	0	05	37
	179	2			
	179	3/A			
	179	3/B			

1	2	3	4	5	6
	180	1	0	19	01
	180	2/1			
	180	2/2			
	126	1/P	0	22	10
	126	1/P			
	126	2/2			
	126	3			
	126	4/1			
	126	4/2			
	127	1	0	03	06
	127	2			
	127	3			
	128	1	0	01	43
	128	2			
	147	1	0	31	27
	147	2			
	147	3			
	143		0	22	76
	142		0	06	04
	151	1	0	16	02
	151	2/1			
	151	2/2			
	152		0	12	67
	153		0	17	88
	154	1	0	18	53
	154	2			
	154	3			

फा. सं. आर-25011/7/2002—ओआर-I]

एस. एस. केमवाल, अवर सचिव

New Delhi, the 28th February, 2002

S. O. 693.— **Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Viramgam to Koyali in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the augmentation of Viramgam – Koyali Section of Salaya-Mathura Pipeline System;**

**And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;**

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notifications as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Competent Authority, Shri R.M. Pandya Indian Oil Corporation Limited, (Pipelines Division), P.B. No. 4, P.O. Viramgam, Distt. Ahmedabad, Gujarat – 382150.

### SCHEDULE

Taluka : BORSAD		District : ANAND		State : GUJARAT		
Name of the Village	Survey No.	Sub-Division No.	Area			
			Hectare	Are	Sq. Mtr.	
1	2	3	4	5	6	
NAPA TALAPAD	200	1	0	18	48	
	200	2				
	200	3				
	190		0	17	99	
	192	1	0	12	81	
	192	2				
	192	3				
	192	4				
	192	5				
	192	6				
	189	1	0	06	97	
	189	1/2				
	189	1/3				
	189	2				
	188		0	14	72	
	172		0	03	57	
	174	1	0	18	24	
	174	2				
	174	3				
	176	1	0	07	64	
	176	2				
	175		0	06	12	
	177	1	0	01	47	
	177	2				
	158	1	0	12	78	
	158	2				



1	2	3	4	5	6
	152		0	00	20
	153	1	0	12	46
	153	2			
	154	1	0	14	02
	154	2			
	155	1	0	01	84
	155	2			
	139	1	0	42	65
	139	2			
	140	1	0	11	08
	140	2			
	129		0	05	48
	128		0	17	29
	127	1	0	14	83
	127	2			
	125	1	0	08	91
	125	2			
	124		0	17	55
	121		0	08	67
	119	1	0	23	15
	119	2			
	118	1	0	07	74
	118	2			
<b>NAPA VANTO</b>	720		0	09	82
	721		0	32	37
	318		0	15	98
	317		0	06	53
	315		0	00	90
	316	1	0	05	37
	316	2			
	314		0	10	81
	313	1	0	10	93
	313	2			
	312	1	0	17	23
	312	2			
	279		0	32	33
	278		0	18	50
	205		0	03	17
	206		0	09	84
	207		0	09	18
	208	1	0	16	20
	208	2			
	209	1	0	00	97
	209	2			

1	2	3	4	5	6
	201		0	11	83
	200		0	00	20
	211/P		0	20	46
	211/P				
	266/p		0	08	87
	266/p				
	259	1	0	13	29
	259	2			
	258		0	01	11
	260		0	00	20
	256		0	18	17
	257		0	05	34
	254	1	0	10	86
	254	2			
	235	1	0	14	40
	235	2			
	236		0	19	03
	237		0	19	81
	238/p		0	09	85
	238/p				
<b>NAMAN</b>	230		0	00	84
	229		0	04	58
	228		0	02	06
	227		0	02	20
	226		0	01	72
	220		0	23	03
	220/A				
	221		0	15	42
	172		0	06	80
	176		0	10	89
	175		0	01	75
	177		0	00	90
	181		0	11	82
	182		0	12	71
	184		0	01	88
	185		0	21	67
	186		0	02	62
<b>DAHEMI</b>	153		0	14	83
	154		0	12	20
	155		0	21	78
	157		0	02	33
	158		0	06	26
	159		0	17	27

1	2	3	4	5	6
	179		0	12	74
	178		0	04	06
	181		0	07	62
	177		0	12	50
	185		0	04	95
	186		0	07	40
	184		0	03	39
	187		0	07	86
	192		0	09	20
	189		0	05	44
	190		0	06	96
	348		0	15	49
	344		0	14	17
	337		0	03	09
	336		0	16	09
	334		0	17	41
	470		0	08	95
	461		0	02	05
	469		0	17	74
	464		0	08	10
	465		0	05	71
	466		0	04	80
	569		0	06	14
	568		0	28	59
	566		0	02	23
	565		0	13	56
	564		0	18	22
	562		0	05	46
	561		0	18	96
	559		0	01	81
	648		0	15	86
KASUMBAD	69	1 2/A 2/B/P 2/A/B	0	16	12
	69				
	69				
	69				
	71		0	00	54
	70		0	12	78
	75	1 2	0	16	98
	75				
	77		0	06	13
	79	1 2	0	10	32
	79				

1	2	3	4	5	6
	82	1	0	16	16
	82	2			
	82	3			
	82	4			
	82	5			
	82	6			
	113		0	27	99
	98		0	00	44
	114	1	0	01	06
	114	2			
	114	3			
	112	1	0	14	38
	112	2			
	115		0	01	10
	111	1	0	19	78
	111	2			
	111	3			
	111	4			
	111	5			
	121	1	0	03	31
	121	2			
	121	3			
	120	1	0	04	77
	120	2			
	120	3			
	120	4			
	120	5			
	120	6			
	120	7			
	120	8			
	120	9			
	124		0	23	18
	125		0	13	83
	146	1	0	22	74
	146	2			
	146	3			
	146	4			
	146	5			
	146	6			
	147		0	07	02
	148	1	0	07	26
	148	2			
	148	3			
	148	3/A			

1	2	3	4	5	6
	144	1+2	0	09	82
	144	3			
	144	4			
	144	5			
	143	1+2+3	0	00	60
	143	4			
	143	5			
	143	6			
	143	7			
	143	8			
	143	9			
	143	10			
	168	1	0	21	95
	168	2			
	169	1/1	0	10	09
	169	1/2			
	169	2			
	169	3+4			
	177	1	0	19	50
	177	2			
	177	3			
	177	4			
	177	5			
	177	6			
	177	7			
	177	8			
	170	1	0	00	51
	170	2			
	170	3			
	170	4			
	176		0	14	54
	287		0	16	35
HARAKHAPURA	204	1	0	25	01
	204	2			
	203		0	15	44
	205	1	0	00	20
	205	2			
	198	1	0	10	90
	198	2			
	198	3			
	198	4			
	197	1	0	18	18
	197	2			
	197	3			
	181	1	0	01	61
	181	2			
	181	3			

1	2	3	4	5	6
	179	1	0	05	37
	179	2			
	179	3/A			
	179	3/B			
	180	1	0	19	01
	180	2/1			
	180	2/2			
	126	1/P	0	22	10
	126	1/P			
	126	2/2			
	126	3			
	126	4/1			
	126	4/2			
	127	1	0	03	06
	127	2			
	127	3			
	128	1	0	01	43
	128	2			
	147	1	0	31	27
	147	2			
	147	3			
	143		0	22	76
	142		0	06	04
	151	1	0	16	02
	151	2/1			
	151	2/2			
	152		0	12	67
	153		0	17	88
	154	1	0	18	53
	154	2			
	154	3			

[No. R-25011/7/2002—OR-I]  
S. S. KEMWAL, Under Secy.

## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 1 फरवरी, 2002

**का.आ. 694.**—सक्षम प्राधिकारी, राजामुन्द्री, आन्ध्र प्रदेश, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 17 के अधीन विरचित पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के उपनियम (1) के परन्तुक का अनुसरण करते हुए, गैस अथॉरिटी ऑफ इण्डिया लिमिटेड के परामर्श से जिसमें, यथास्थिति, उस क्षेत्र में भूमि में उपयोग का अधिकार निहित किया गया है या उस क्षेत्र में पाइपलाइन का स्वामित्व निहित है, नीचे उपाबद्ध अनुसूची के स्तम्भ 8 में यथावर्णित सदर्न मैग्नेसियम कैमिकल्स लिमिटेड टेप-ऑफ पानगिडी से त्रिवेणी ग्लास वर्क्स लिमिटेड, कोंडागुडम तक प्राकृतिक गैस पाइपलाइन बिछाने की संक्रिया के समापन की तारीख घोषित करता है, अर्थात्:—

## अनुसूची

जिला	तहसील	गाँव	धारा 3 (1) के अधीन अधिसूचना		धारा 6(1) के अधीन अधिसूचना		संक्रिया के समापन की तारीख
			राजपत्र में प्रकाशन की तारीख	क्रम सं. और तारीख	राजपत्र में प्रकाशन की तारीख	क्रम सं. और तारीख	
पश्चिम गोदावरी	देवरापाल्ली	कोंडागुडम	21-08-99	क्रम सं. 2358 सं. 34 17-08-99	2-2-2000	क्रम सं. 91(अ) 1-2-2000	8-2-2000

[ फाइल सं.एल-14014/8/99-जी.पी. ]

स्वामी सिंह, निदेशक

## MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 1st February, 2002

**S.O. 694.**—In pursuance of the proviso to sub rule (1) of rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963 framed under section 17 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Competent Authority, Rajahmundry, Andhra Pradesh in consultation with the Gas Authority of India Limited with whom the right of user in land in that area has been vested or ownership of the pipeline in that area vest as the case may be, hereby declares the date of termination of operations of laying natural gas pipeline from Southern Magnesium Chemicals Limited Tap-Off Pangidi to Triveni Glass Works Limited, Kondagudem as mentioned in column 8 of the Schedule annexed as follows, namely —

## SCHEDULE

District	Tehsil	Village	Notification U/S 3(1)		Notification U/S 6(1)		Date of Termination of Operation
			Date of Publication of Gazette	S.O. No. and Date	Date of Publication of Gazette	S.O. No. and Date	
West Godavari	Devarapalli	Konda Gudem	21-08-99 Gaz.No 34	S O No. 2358 17-8-99	2-2-2000 Gaz. No. 70	S.O. No. 91(E) 1-2-'00	8-02-2000

[File No. L-14014/8/99-G P ]

SWAMI SINGH, Director

नई दिल्ली, 11 फरवरी, 2002

**का.आ. 695.**—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लिखित तारीखों की अधिसूचनाओं द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए सभी विल्लगमों से मुक्त, उक्त भूमि में उपयोग का अधिकार गैस अथॉरिटी ऑफ इण्डिया लिमिटेड में निहित किया था;

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है कि प्राकृतिक गैस के परिवहन के प्रयोजन के लिए आन्ध्र प्रदेश राज्य में नन्दीगामा ईपीएस से आन्ध्र फ्यूल्स लिमिटेड तक उक्त भूमि में पाइपलाइनों बिछाई जा चुकी हैं अतः इन भूमियों में जिनका संक्षिप्त वर्णन इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट है, संक्रिया समाप्त की जा सकती है;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम 1963 के नियम 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अनुसूची के स्तम्भ 7 में उल्लिखित तारीखों की "संक्रिया की समाप्ति" की तारीख के रूप में घोषणा करती है।

### अनुसूची

राज्य—आन्ध्र प्रदेश

जिला	तहसील	गांव	धारा 3 (1) के अधीन अधिसूचना		धारा 6(1) के अधीन अधिसूचना		संक्रिया के समापन की तारीख
			राजपत्र में प्रकाशन की तारीख	क्रम सं. और तारीख	राजपत्र में प्रकाशन की तारीख	क्रम सं. और तारीख	
कृष्णा	पेडाना	कोन्किपूडि	26-06-99 राजपत्र सं. 26	क्रम सं. 1829 17-06-99	07-09-99 राजपत्र सं. 547	क्रम सं. 728(अ) 07-09-99	28-10-99

[फाइल सं. एल-14014/6/99-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 11 February, 2002

**S.O. 695.**—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. and date as mentioned in the Schedule below issued under sub-section (1) of section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government acquired the right of user in the lands specified in the Schedule appended to these notifications;

And whereas in the exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government vested the right of user in the said land, free from all encumbrances, in the Gas authority of India Limited;

And whereas, the Competent Authority has made a report to the Central Government that the pipeline for the purpose of transport of natural gas from Nandigama EPS to Andhra Fuels Limited in the State of Andhra Pradesh has been laid in the said lands, so the operation may be terminated in respect of the lands, the description of which in brief is specified in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by rule 4 of the Petroleum Pipeline (Acquisition of Right of User in Land) Rules, 1963 the Central Government hereby declares that the dates mentioned in column 7 of the Schedule as the date of termination of operation.

### SCHEDULE

State—Andhra Pradesh

District	Tehsil	Village	Notification U/S 3(1)		Notification U/S 6(1)		Date of Termination of Operation
			Date of Publication of Gazette	S.O. No. and Date	Date of Publication of Gazette	S.O. No. and Date	
Krishna	Pedana	Konkepudi	26-06-99 Gaz.No.26	S.O.No. 1829 17-8-99	07-09-99 Gaz. No. 547	S.O. No. 728(E) 07-09-99	28-10-99

[File No. L-14014/6/99-G.P.]

S.B. MANDAL, Under Secy.



नई दिल्ली, 11 फरवरी, 2002

**का.आ. 696.**—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य के ठाणे जिले में हजीरा-उरान पाइपलाइन परियोजना से होकर प्राकृतिक गैस के परिवहन के लिए गैस अथॉरिटी ऑफ इण्डिया लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके नीचे उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग का अधिकार अर्जित किया जाना चाहिए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध कराए जाने की तारीख से इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाने, उसमें उपयोग के अधिकार के अर्जन के संबंध में सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इण्डिया लिमिटेड, एम.एम.आर.डी.ए. बिल्डिंग, तीसरा तल, बान्द्रा कुर्ला कम्पलेक्स, बान्द्रा (पूर्व) मुम्बई-400051 को आक्षेप लिखित रूप में भेज सकेगा।

## अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	क्षेत्रफल (हेक्टेयर में)
ठाणे	तलासरी	बोरमाल	113	0 5.77
			19	0 19.45
			101	0 78.31
			30	0 26.62
			28	0 20.40
			23	0 28.60
			27	0 2.68
			24	0 24.14
			110	0 60.40
			56	0 4.36
			108	0 85.04
			57	0 5.73
			58	0 0.19
			107	0 22.44
			60	0 47.69
			109	0 15.98
			61	0 6.65
			कुल	4 54.45
		अनवीर	112	0 39.32
			173	0 64.28
			110	0 27.74
			101	0 0.74
			कुल	1 32.08
		साबरेली	123	0 65.49
			कुल	0 65.49
		सुत्रकार	316	0 39.75
			362	0 35.74
			443	0 22.31
			410	0 43.80
			360	0 51.97
			154	0 44.56

1	2	3	4	5	6
ठाणे	तलासरी	सुत्रकार	145	0	1.64
			359	1	46.70
			143	0	11.81
			399	0	16.06
			129	0	23.36
			358	0	19.20
			127	0	20.96
			128	0	2.87
			358	0	28.93
			406	0	4.86
			203	0	18.55
			358	0	26.99
			200	0	9.29
			199	0	30.51
			218	0	2.02
			198	0	26.97
			197	0	41.83
			222	0	3.83
			404	0	0.07
			224	0	47.54
			403	0	23.83
			225	0	21.77
			372	0	74.86
			226	0	9.25
			295	0	9.45
			373	0	23.91
			296	0	16.34
			373	0	31.93
			300	0	43.34
			373	0	26.11
			310	0	46.32
			312	0	32.74
			376	1	57.60
			313	0	10.94
			379	0	4.80
			318	0	0.63
			319	0	61.65
			382	1	19.46
			कुल	14	37.05
		पाटीलपाड़ा	122	0	73.62
			118	0	22.68
			126	1	37.69
			120	0	4.01
			127	0	1.89
			130	0	44.09
		ठाकरपाड़ा	101	0	49.68
			131	0	18.84
			135	1	67.70
			133	0	21.50
			कुल	5	41.70
			109	0	41.56
		वडवली	कुल	0	41.56
			80	0	4.26
			81	0	15.26
			कुल	0	19.52

1	2	3	4	5	6	1	2	3	4	5	6
थाणे	तलासीर	कुर्जे	325	0	15.06	थाणे	दहानु	दप्चारी	485	0	34.0
			248	0	11.24			पाडा	0	2.6	
			397	0	40.81			439	0	78.7	
			246	0	36.65			214	0	23.1	
			398	0	38.78			215	0	0.4	
			245	0	4.21			439	0	53.6	
			244	0	44.69			222	0	15.3	
			328	1	6.95			440	1	15.9	
			233	0	7.33			223	0	22.4	
			239	0	41.38			224	0	27.8	
			238	0	36.00			226	0	3.7	
			237	0	24.04			440	0	12.0	
			329	0	54.40			225	0	0.1	
			—	0	6.62			239	0	0.5	
			404	0	21.70			233	0	3.9	
		कुल	4	89.86				443	0	41.2	
	कोचाई		37	0	23.80			101	0	7.6	
	आम्बीसेठ		67	0	17.22			पाडा	0	48.1	
	मासानगांव		40	1	9.10			175	0	45.9	
			65	0	15.70			173	0	9.8	
			62	0	0.47			174	0	15.6	
			63	0	2.58			446	0	94.3	
			16	0	22.40			247	0	4.8	
			31	0	50.29			528	0	0.8	
			26	0	18.74			248	0	2.9	
			16	0	22.72			446	0	1.3	
			27	0	5.43			445	1	12.2	
			31	0	66.07			288	0	0.9	
			52		23.98			289	0	14.8	
					0.304			290	0	31.3	
			56	0	6.15			—	0	33.6	
			16	1	4.63			295	0	28.6	
			100	0	0.82			457	0	29.9	
			32	0	65.70			296	0	0.1	
			109	0	1.40			297	0	14.9	
			29	0	6.51			456	1	95.5	
			52	0	19.40			460	0	0.9	
			24	0	59.47			305	0	20.1	
			5	0	9.52			460	0	2.9	
			136	0	35.04			456	0	6.8	
			8	0	0.75			कुल योग	9	97.8	
			9	0	45.48			हलाडपाडा	67	0	0.1
			14	0	4.95				66	0	2.3
			13	0	31.75				68	0	15.6
			10	0	9.74				67	0	41.1
				0	29.25				69	0	0.1
		कुल	7	73.84					70	0	19.1
									77	0	39.9
	दहानु	दप्चारी	435	0	51.6				63	0	0.1
			486	0	0.3				62	0	9.1
			487	0	0.4				78	0	2.0
			486	0	74.7				79	0	7.2
			229	0	12.0				80	0	1.9

1	2	3	4	5	6	1	2	3	4	5	6
थाणे	दहानु	हलाडपाडा	81	0	7.8	थाणे	दहानु	अंबोली	37	0	0.4
			59	0	66.5				34	0	17.4
			53	0	0.3				37	1	40.9
			55	0	38.0				38	0	21.1
			45	0	1.5				कुल	12	11.9
			44	0	4.3			धनीबारी	159	3	94.4
			46	0	64.0				202	0	1.6
			18	0	19.4				196	0	1.4
			22	0	86.0				186	1	34.4
			19	0	32.1				कुल	1	31.8
			17	0	44.7			देवुर	65	0	20.8
			कुल	5	3.1				67	0	1.5
		अंबोली	166	0	38.9				125	0	60.2
			171	0	0.8				109	0	34.0
			167	0	41.1				125	0	25.4
			168	0	10.7				84	0	22.1
			171	1	7.1				125	0	40.6
			170	0	6.9				नाला	0	3.3
			171	0	6.1				85	0	30.4
			176	0	58.5				166	0	65.8
			190	0	19.8				92	0	12.6
			178	0	17.5				166	0	11.2
			190	0	66.3				नाला	0	5.9
			184	0	1.1				168	0	9.3
			183	0	36.0				कुल	3	43.1
			190	0	1.6			ओसेवीरा	62	0	7.0
			194	0	18.1				73	0	15.7
			193	0	44.3				62	0	96.6
		92/अ	0	38.3					63	0	8.2
		193	0	23.4					62	0	12.2
		नाला	0	35.4					111	0	1.3
		15	0	48.1					110	0	24.3
		10	0	18.1					112	0	21.6
		15	0	36.5					115	0	60.2
		10	0	1.1					113	0	0.2
		8	0	64.2					114	0	1.9
		15	0	0.4					115	0	34.6
		11	0	1.7					62	0	24.4
		15	0	60.2					116	0	4.4
		12	0	4.6					121	0	36.9
		15	0	34.3					62	0	5.3
		19	0	78.4					43	0	5.5
		पाडा	0	9.4					42	0	18.8
		22	0	17.0					62	0	54.8
		23	0	12.1					47	0	0.1
		25	0	78.2					44	0	0.3
		27	0	5.0					62	0	7.4
		28	0	66.5					79	0	13.0
		27	0	12.0					81	0	10.1
		28	0	98.9					71	0	0.5
		30	0	0.1					79	1	21.9
		31	0	4.1					75	0	4.5
		29	0	6.9					76	0	9.1
		33	0	2.4							

1	2	3	4	5	6	1	2	3	4	5	6
थाणे	दहानु	ओसेवीरा—जारी	79	0	8.2	थाणे	दहानु	वघाडी	216	0	0.2
			78	2	21.9				213	0	0.8
			77	0	9.3				215	0	7.3
			कुल	5	40.2				206	0	26.4
		खानीव	87	3	27.0				205	0	9.2
			नाला	0	9.7				रोड	0	6.3
			86	0	3.7				40	0	27.2
			66	0	54.6				45	0	8.2
			60	0	69.6				17	0	2.1
			71	0	9.2				38	0	3.8
			59	0	22.6				46	0	11.9
			23	0	50.7				19	0	8.7
			25	0	22.1				37	0	2.9
			64	0	60.6				34	0	24.6
			66	1	7.1				47	0	38.8
			39	0	4.3				52	0	54.6
			83	0	67.2				कुल	6	45.0
			38	0	3.8		विक्रमघट	वेती	293	0	27.9
			81/2	0	65.4				249	0	12.8
			58	0	23.1				250	0	19.7
			54	0	2.0				251	0	9.7
			53	0	76.4				253	0	21.5
			4	0	12.3				17 डब्लू	0	5.6
			53	0	9.9				254	0	21.1
			68	0	19.5				256	0	23.4
			53	0	64.3					0	4.1
			कुल	6	85.1				147	0	0.6
		वघाडी	365	0	25.5				146	0	14.6
			364	0	14.4				152	0	30.1
			369	0	1.1				540	0	0.1
			370	0	22.1				156	0	6.4
			351	0	30.6				155	0	30.4
			349	0	6.2				157	0	12.2
			348	0	17.4				131	0	19.5
			347	0	3.5				133	0	13.4
			349	0	0.3				129	0	6.2
			346	0	16.4				123	0	37.2
			345	0	17.0				31 डब्लू	0	14.5
			331	0	10.4				104	0	6.6
			332	0	19.0				105	0	40.4
			314	0	14.8				102	0	11
			311	0	17.6				42 डब्लू	0	2.5
			312	0	13.8				100	0	19.1
			306	0	13.8				98	0	8.8
			285	0	28.2				79	0	55.2
			296	0	27.7				81	0	17.9
			295	0	7.7				77	0	2.4
			297	0	0.1				82	0	25.4
			291	0	16.4				60	0	50.7
			289	0	7.2				50	0	2.2
			294	0	0.6				58	0	7.4
			290	0	30.9				51	0	9.9
			221	0	18.0				57	0	16.5
			217	0	10.8				56	0	23.4
			218	0	20.5						

1	2	3	4	5	6	1	2	3	4	5	6
थाणे	विक्रमघट	वेती—जारी	53	0	37.4	थाणे	विक्रमघट	पिम्पलसेट	44	0	6.8
		कुल	6	67.8			बीडीके—जारी	45	0	0.1	
		मुर्बाड	83	0	24.4			43	0	25.4	
			84	0	0.1			नाला	0	2.8	
			77	0	8.1			48	0	31.9	
			82	0	45.7			49	0	33.2	
			312	0	3.4			107	0	21.4	
			314	0	8.6			51	0	2.6	
			86	0	25.9			108	0	31.3	
			80	0	7.4			106	0	0.6	
			87	0	2.6			नाला	0	22.3	
			88	0	28.6			25	0	3.2	
			89	0	1.8			106	0	24	
			90	0	8.1			26	0	22.4	
			65	0	22.2			87	0	6.8	
			64	0	0.4			106	1	8.7	
			62	0	1			90	0	1.3	
			48	0	27.6			51	2	24.1	
			63	0	36.9			36	0	17.1	
			62	0	14.9			102	0	46	
			61	0	8.1			35	0	84.3	
			62	0	1.4			104	0	39.1	
			60	0	1.1			51	1	63	
			58	0	59.1			कुल	7	1.8	
			164	0	10.9			दुलारी	76	1	31.8
			167	0	5.1			77	0	70.3	
			169	0	0.4			78	0	13.47	
			168	0	53.7			73	0	22.7	
			198	0	2.6			80	0	8.05	
			197	0	52.1			68	0	92.5	
			196	0	27.6			67	0	5.2	
			195	0	31.9			69	0	54.55	
			223	0	4.7			65	1	23.21	
			224	0	9.9			60	0	63.93	
			225	0	14			61	0	1.51	
			24	0	64			59	0	58.88	
			272	0	7.3			58	0	52.72	
			278	0	99.5			54	0	0.79	
			269	0	25.6			50	0	68.37	
			270	0	24			48	0	59.53	
			240	0	31.3			49	0	10.67	
			239	0	13.3			47	0	60.64	
			241	0	29.1			42	0	3.1	
			कुल	8	44.4				0	11.81	
		पिम्पलसेट	नाला	0	6.3				41	0	89.21
		बीडीके	58अ	0	5				40	1	15.25
			61	0	21.5				39	0	82.93
			62	0	3.7				38	0	61.35
			63	0	5.5				37	0	23.01
			64	0	36.4				कुल	4	15.57
			65	0	5.1			आप्टीबीडीके	54	0	61.9
			66	0	23.1				56	0	83.1
			68	0	6				57	0	6.8
			71	0	38				59	0	36.5
			43	0	32.8						

1	2	3	4	5	6	1	2	3	4	5	6
थाणे	विक्रमघट	आप्टीबीडीके—जारी	49	0	87	थाणे	विक्रमघट	कुझ —जारी	298	0	29.9
			38	0	40.5				295	0	5.4
			36	0	1.7				294	0	21.4
			37	0	52.9				300	0	59.3
			38	0	9.4				301	0	33.7
			34	0	72.4				307	0	60.2
		नाला		0	10.7				303	0	16.2
			68	0	37.2				306	0	7.6
			67	0	37.1				305	0	7.4
			117	0	0.7				310	0	5.7
			66	0	66.5				311	0	6.4
		रोड		0	4.7				312	0	12.9
			76	0	14.8				314	0	7.7
			77	0	24.4				315	0	14.3
			78	0	7.6				314	0	19.3
			87	0	13.6				316	0	5.3
			85	0	1.8				280	0	71.2
			79	0	50				277	0	87.6
			84	0	38.5				449	0	49.2
			85	0	36.2				450/2	0	18.1
			162	0	4.3				450/3	0	24.1
			108	0	4.4				450/5	0	23.1
			109	0	29.9				450/4	0	9.2
			122	0	37.9				475	0	46.3
			163	0	0.5				476	0	87.5
			123	0	80.4				498	0	26.6
			124	0	46.8				499	0	9.4
			67	0	18.7				491	0	4.6
		कुल		10	18.9				500	0	15.3
	चिंचघर		88	0	22.2				520	0	1
			91	0	74.5				501	0	4.7
			89	0	0.3				520	0	5.9
		कुल		0	9.7				531	0	1
	कुझ		204	0	7.3				519	0	8.7
			203	0	64.2				511	0	76.1
			202	0	34.5				531	0	26.2
			206	0	32.6				534	0	31.7
			205	0	48.1				535	0	32.6
			209	0	14.2				537	0	9.5
			207	0	24.8				नदी	0	37.2
			198	0	14.7				कुल	17	22
			197	0	35.5			आम्बीवली	54	0	77.9
			196	0	57.3				52/अ	0	0.3
			218	0	12.6				55	0	5.1
			219	0	12.7				52	0	41.9
			224	0	18				50	0	5.7
			222	0	7.2				48	0	33.6
			221	0	37.4				49	0	3
			239	0	21.3				47	0	44.3
			240	0	73.5				46	0	8.9
			242	1	23.1				69	0	62.8
			299	0	3.1				68	0	15.8
			297	0	22.7				66	0	28.8
									रोड	0	4.5

1	2	3	4	5	6	1	2	3	4	5	6
थाणे	विक्रमघट	आम्बीवली	66पी	0	3.9	थाणे	वाडा	कमलखंड	231	0	72.9
			75	0	24.8				195	0	4.8
			76	0	20.1				230	0	3.1
			नाला	0	8.2				232	0	16.6
			77	0	27.4				198	0	4.3
			78	0	8.6				233	0	36.8
			80	0	0.8				236	0	10.7
			79	0	22.6				193	0	18.2
			90	0	51.3				238	0	72.3
			83	0	0.9				197	0	43.2
			नाला	0	7.8				192	0	13.3
			कुल	5	9				191	0	24.9
	वाडा	सुपोन्दे	216	0	36.5				190	0	16.6
			217	0	25.4				188	0	16.7
			215	0	4.9				187	0	12.6
			181	0	8.5				186	0	7.7
			182	0	31.5				177	0	10.8
			180	0	38.0				178	0	21.0
			169अ	0	2.4				179	0	16.7
			179	0	40.5				175	0	17.9
			169ब	0	14.8				161	0	18.9
			106	0	24.6				151	0	13.1
			178	0	20.5				रोड	0	5.5
			195	0	14.6				156	0	6.8
			177	0	19.0				155	0	32.7
			196	0	0.2				154	0	20.0
			175ब	0	15.1				153	0	32.9
			145ब	0	42.7				148	0	27.4
			176	0	1.5				147	0	1.2
			145अ	0	7.4			कंचड	कुल	6	34.8
			198	0	30.8				24	0	2.3
			141	0	0.1				25	0	36.5
			142	0	6.7				26	0	21.8
			143	0	0.4				27	0	19.8
			65	0	27.2				28	0	7.6
			66	0	16.1				29	0	9.2
			67	0	10.0				30	0	8.6
			68अ	0	0.9				31	0	9.4
			141	0	2.9				32	0	8.0
			69	0	0.1				33	0	18.5
			68ब	0	53.4			वाबहेघर	कुल	1	41.7
			72अ	0	21.4				37	0	6.8
			71	0	17.8			मांडे	कुल	0	6.8
			75ब	0	37.8				62	0	23.0
			78	0	20.0				61	0	17.1
			79	0	23.8				55	0	35.4
			80	0	21.5				54	0	13.4
			81	0	9.6				53	0	62.5
			78	0	1.5				51	0	40.0
			कुल	6	50.1				50	0	9.3
		कलमखंड	196	0	0.3				47	0	61.1
			195	0	34.6				46	0	19.4
									45	0	16.8
									44	0	18.7
									कुल	3	16.7

1	2	3	4	5	6	1	2	3	4	5	6
थाणे	वाडा	भोपाइवाली	191	0	2.4				119	0	0.1
			192	0	11.4				131	0	0.7
			193	0	35.3				111	0	10.9
			194	0	26.9				107	0	22.6
			195	0	2.7				106	0	0.9
			187	0	0.5				105	0	0.6
			189	0	0.7				101	0	2.2
			186	0	29.8				100	0	18.7
			185	0	10.5				40	0	5.0
			184	0	0.0				99	0	6.4
			199	0	3.8				98	0	6.6
			200	0	0.1				52	0	9.8
			164	0	9.2				53	0	16.4
			165	0	12.8				72	0	6.1
			166	0	0.6				61	0	11.3
			176	0	5.5				62	0	5.5
			168	0	13.2				84	0	7.7
			169	0	0.1				59	0	7.7
			117	0	20.3				31	0	8.6
			170	0	4.0				14	0	3.6
			171	0	2.9				15	0	13.4
			173-ब	0	3.9				14	0	2.4
			160-अ	0	24.5				88	0	2.5
			160-ब	0	4.4				13	0	7.8
			159	0	8.9				कुल	3	73.3
			115-अ	0	6.8			अबिस्टे	450	0	10.6
			124	0	22.3			बुदुक	449	0	10.9
			123	0	11.4				450	0	34.0
			122	0	1.1				444	0	0.2
			121	0	16.8				447	0	24.1
			120	0	0.2				446	0	3.4
			119	0	0.1				455	0	6.2
			115-ब	0	7.3				456	0	4.8
			118	0	23.3				458	0	7.9
			116	0	19.6				459	0	12.1
			कुल	3	43.5				437	0	4.9
		खारीवाली	259	0	88.0				469	0	7.5
			317	0	22.6				437	0	1.2
			229	0	13.5				459	0	30.9
			318	0	0.8				471	0	32.3
			268	0	73.8				329	0	34.5
			324	0	0.2				328	0	4.4
			202	0	37.7				324	0	2.1
			208	0	39.0				326	0	12.2
			257	0	1.5				241	0	26.7
			67	0	15.9				242	0	7.0
			326	0	9.0				235/अ	0	17.3
			66	0	50.7				235/ब	0	31.7
			कुल	3	52.7				200	0	11.0
		अबिस्टे	139	0	40.0				199	0	12.6
		खुर्द	140	0	82.8				201	0	3.7
			129	0	23.4				202	0	1.2
									197	0	39.8
थाणे	वाडा	आबिस्टे खुर्द	113	0	49.4						



1	2	3	4	5	6	1	2	3	4	5	6
थाणे	वाडा	आबिस्टे बुदुक	192	0	22.6	थाणे	वाडा	बिल्लोशी—जारी	289	0	26.7
			194	0	15.3				271	0	30.1
			193	0	5.1				274	0	45.4
			195	0	15.8				272	0	0.1
			189अ	0	7.4				273	0	11.8
			188	0	0.1				236	0	5.1
			187	0	42.5				237	0	1.9
			कुल	5.0	3.7				239	0	3.9
		खानीवाली	213	0	17.8				240	0	2.7
			213	0	16.7				238	0	11.4
			214	0	6.0				226	0	0.4
			214	0	22.2				225अ	0	28.3
			213	0	57.8				224	0	0.4
			218	0	1.8				225स	0	8.2
			209	0	1.2				204	0	10.4
			212	0	20.1				203	0	0.4
			213	0	9.7				205	0	0.0
			194	0	32.9				206	0	1.3
			197	0	2.0				207	0	8.5
			193	0	0.8				124	0	22.9
			193	0	9.9				123	0	18.5
			192	0	3.3				122	0	6.3
			197	0	1.0				121	0	24.4
			187	0	4.8				119	0	5.5
			133	0	3.2				118	0	13.6
			164	0	8.4				107	0	10.0
			162	0	1.6				116	0	12.9
			166	0	11.2				108	0	0.5
			163	0	13.8				109	0	0.7
			134	0	8.3				114	0	0.9
			160	0	10.7				115	0	12.2
			135	0	36.8				112	0	5.5
			115	0	11.8				46अ	0	0.7
			120	0	9.2				46ब	0	1.5
			115	0	19.2				111	0	18.4
			110	0	25.5				48	0	45.5
			111	0	1.4				39	0	0.3
			109	0	7.4				29अ	0	15.3
			108	0	3.1				37	0	23.3
			109	0	0.9				36	0	17.7
			कुल	3	80.5				35	0	1.3
थाणे	वाडा	बिल्लोशी	364	0	10.2				29/अ	1	46.8
			298	0	3.2				29स	0	10.4
			363	0	4.3				25	0	1.6
			362	0	0.1				24	0	22.0
			365ब	0	13.9				29/अ	0	20.4
			362	0	21.0				नाला	0	8.4
			366	0	2.0				कुल	6	86.6
			299	0	3.4			भुदावली	68	1	41.7
			300	0	10.4				71	0	26.0
			361	0	10.6				72	0	24.0
			301	0	24.4				73	0	11.6
			293	0	13.5				84	0	6.7
			292	0	4.8						

1	2	3	4	5	6	1	2	3	4	5	6
थाणे	वाडा	भुदावली—जारी	85	0	21.9	थाणे	वाडा	बिलावली—जारी	222	0	12.7
			86	0	35.4				219	0	39.4
			109	0	78.1				217	0	16.1
			108	0	12.6				216	0	15.1
			112	0	9.4				219	0	2.5
			111	0	6.8				201	0	1.6
			109	0	3.3				कुल	1	74.8
			111	0	6.8			डोंगस्टे	रोड	0	1.1
			110	0	8.1				66/1	0	18.0
			111	0	4.6				66/4	0	2.1
			109	0	3.3				66/10	0	7.9
			135	0	21.1				66/12	0	10.3
			137	0	8.4				66/15	0	3.0
			139	0	4.4				66/16	0	11.6
			133	0	2.8				65	0	14.1
			138	0	9.0				66/19	0	0.2
			141	0	4.1				68	0	19.1
			142	0	35.4				67/2	0	7.3
			148	0	0.1				68/2	0	18.8
			149	0	9.4				68/3	0	16.2
			150	0	29.5				71/2	0	14.3
			160	0	19.2				71/3	0	23.0
			152	0	0.5				71/4	0	3.8
			153	0	2.5				70/1	0	0.9
			161	0	0.6				73/3	0	3.0
			154	0	0.9				70/7	0	0.1
			155	0	1.1				73/5	0	33.1
			159	0	15.6				75/3	0	1.3
			158	0	15.4				रोड	0	2.6
			179	0	4.0				1-1	0	0.8
			190	0	1.3				1-2	0	15.1
			194	0	2.7				1-5	0	4.3
			196	0	8.2				1-4	0	16.2
			195	0	8.1				1-7	0	0.3
			196	0	7.2				1-8	0	4.9
			199	0	11.9				1-9	0	8.4
			कुल	5	23.5				5-7	0	1.2
		बीलावली	185/स	0	1.1				1-10	0	1.2
			458	0	6.1				5-12	0	12.0
			457	0	2.8				2-2	0	22.3
			456	0	2.1				2-4	0	5.9
			454	0	1.9				2-5	0	7.7
			146/ब	0	22.0				2-6	0	0.5
			247	0	0.1				2-9	0	12.9
			243	0	1.8				2-10	0	11.3
			244	0	2.7				25/27	0	12.2
			245	0	12.9				25/26	0	5.7
			246-स	0	0.5				25-3	0	6.4
			246-ब	0	1.3				25-5	0	8.3
			231	0	10.3				24-1	0	10.6
			230	0	2.6				25-6	0	1.0
			228	0	5.0				24-5	0	20.4
			229	0	1.4				24-7	0	18.1
			227	0	12.7				30-1	0	13.9
									30-3	0	3.0

1	2	3	4	5	6	1	2	3	4	5	6
थाणे	वाडा	ग्रेगस्टे—जारी	29-2	0	14.5	थाणे	वाडा	मुसने	331	0	18.3
			30-4	0	0.5				337	0	40.5
			30-5	0	1.9				385	0	1.3
			30-6	0	4.4				384	0	5.9
			29-3	0	11.9				382	0	15.0
			31-1	0	22.1				396	0	8.2
		गौचर जमीन		0	4.2				387	0	8.2
			31-2	0	13.8				400	0	0.5
			34/1	0	9.3				398	0	10.0
			34/3	0	4.7				381/अ	0	10.0
			34/2	0	6.3				381/ब	0	3.0
			34/9	0	17.6				380अ	0	32.1
			33/2	0	0.7				379	0	7.7
			33/3	0	13.3				रोड	0	4.0
			34/1	0	0.2				347	0	10.7
			30-12	0	9.3				335	0	22.3
		कुल		5	71.1				356	0	3.4
		चिंचघर	207	0	31.2				354	0	4.2
			198	0	0.6				353	0	13.6
			199अ	0	12.6				352	0	37.1
			205	0	1.3				367ब	0	22.2
			204	0	0.1				467	0	21.0
			201	0	2.7				469/ब	0	6.8
			203	0	87.3				469अ	0	12.2
			206	0	2.1				473	0	41.5
			181	0	0.9				472	0	17.7
			186	0	10.3				481	0	14.8
			178	0	3.0				482	0	12.3
		कुल		1	52.1				480	0	41.6
		मुसने	201	0	0.9				कुल	0	23.7
			202	0	16.7			मेत	119	0	51.7
			201	0	15.7				120	0	0.7
			203	0	5.2				118	0	2.5
			212	0	22.3				117	0	0.3
			211	0	7.3				रोड	0	7.4
			213	0	25.3				128	0	2.9
			210	0	0.6				127	0	89.2
			229	0	28.9				157	0	28.8
			218	0	7.4				154	0	1.3
			228	0	11.3				153	0	14.6
			227	0	3.1				152	0	22.2
			245	0	0.5				149	0	18.1
			226	0	14.2				164	0	0.4
			225	0	2.8				165	0	26.6
			224	0	9.7				171	0	8.3
			249	0	12.2				173	0	41.8
			262	0	36.1				172	0	0.1
			260	0	7.9				174	0	2.7
			259	0	8.3				178	0	3.6
			317	0	13.7				175	0	9.2
			318	0	7.3				176	0	17.3
			317	0	1.3				नदी	0	26.2
			319	0	15.0				कुल	4	3.0
			332	0	3.6						

1	2	3	4	5	6	1	2	3	4	5	6
धाणे	भिंवडी	दिघासी	179	0	74.10	धाणे	भिंवडी	जांभीवली--जारी	61/1	0	5.60
			46	0	37.06				61/3/2	0	13.10
			173	0	0.25				61/4	0	0.40
			77	0	29.47				61/5	0	50.80
			78	0	27.39				68	0	21.20
			39	0	13.49				44/9	0	20.30
			79	0	19.55				45/1/1	0	22.90
			84	0	94.62				44/1/1	0	6.80
			5	0	75.15				77/1/1	0	72.20
			3	0	72.71				38/1	0	2.27
			158	0	1.97				38/2	0	23.00
			134	0	41.54				38/6	0	0.30
			133	0	43.92				38/7	0	11.40
			117	0	36.96				38/8	0	0.20
			132	0	0.96				38/10/1	0	17.40
			128	0	20.00				48/6/1	0	0.04
			118	0	10.59				48/8	0	67.40
			124	0	25.00				नाला	0	11.50
			166	0	0.06				कुल	5	86.35
			183	0	11.07			खिरावली-दुरावली	136	0	0.50
			190	0	2.49				144	0	39.30
			कुल	6	38.35				137	0	22.50
	खमखली		62	0	31.30				139	0	33.50
			65	0	0.80				126	0	15.90
			63	0	57.90				121	0	17.60
			60	0	45.20				111	0	7.10
			59	0	3.30				121	0	17.60
			58	0	18.30				24	0	31.5
			57	0	83.70				22	0	8.80
			55	0	35.70				21	0	31.10
			49	0	43.30				26	0	30.40
			56	0	9.60				13	0	34.1
			48	0	7.50				115	0	6.20
			45	0	57.11				15	0	58.20
			46	0	25.60				14	0	31.30
			44	0	8.80				20	0	16.10
			कुल	4	28.11				6	0	31.10
	गोद्रावली		2	0	1.14				93	0	40.50
			21	0	99.80				94	0	45.40
			22	0	3.60				64	0	5.80
			24	0	32.30				90	0	10.10
			20	0	53.20				89	0	38.10
			18	0	16.50				87	0	17.20
			19	0	11.00				85	0	4.70
			कुल	2	17.54				83	0	17.40
	जांभीवली		49	0	30.50				80	0	2.50
			49	0	29.80				81	0	9.80
			51	0	8.74				कुल	06	24.30
			50	0	31.70			लाप-बुद्रुक	38	0	4.60
			49	0	17.70				40	0	8.40
			50	0	32.60				11	0	2.70
			49	0	11.60				8	0	1.50
			61/2	0	55.60				42	0	8.40
			61/3/1	0	21.30				35	0	45.76

1	2	3	4	5	6	1	2	3	4	5	6
थाणे	भिंवडी	लापबुद्रुक	34	0	20.16	थाणे	भिंवडी	कलींग बुद्रुक	114	0	9.76
			33	0	12.30				19/1/1	0	3.12
			183	0	0.23				19/2/1	0	30.13
			32	0	24.50				22	0	11.91
			31	0	44.56				23	0	1.11
			30	0	20.33				21	0	98.30
			29	0	22.78				कुल	3	84.05
			20	0	40.48	थाणे	भिंवडी	दलीपाडा	52	0	22.99
			19	0	22.78				59	0	1.95
			14	0	13.25				57	1	8.42
			15	0	0.06				62	0	47.53
			16	0	35.43				कुल	1	80.89
			10	0	65.31	थाणे	भिंवडी	चिंचवली	37	0	52.13
			180	0	8.25				40	0	41.53
			7	0	11.32				39	0	0.98
			148	0	32.72				43	0	35.92
			8	0	8.19				45	0	39.24
			6	0	0.29				46	0	0.29
			167	0	10.38				4	0	12.76
			141	0	3.13				5	0	6.98
			139	0	42.17				6	0	2.10
			140	0	10.48				7	0	1.37
			142	0	16.02				8	0	9.98
			138	0	14.67				9	0	20.65
			137	0	21.50				10	0	23.47
			133	0	34.85				22	0	29.50
			128	0	10.00				19	0	20.61
			126	0	42.15				18	0	30.27
			127	0	12.98				कुल	2	23.93
			123	0	53.54	थाणे	भिंवडी	देवली	4		
			121	0	36.77				5	0	33.16
			97	0	45.85				6	0	18.04
			114	0	2.29				10	0	23.38
			111	0	19.43				11	0	22.86
			103	0	44.97				19	0	17.27
			99	0	6.86				22	0	55.05
			100	0	13.80				62	0	0.80
			107	0	30.65				62/2	0	51.99
			110	0	3.18				62/3/1	0	34.69
			160	0	7.41				25/1	0	11.72
			106	0	14.79				25/2	0	5.85
			105	0	88.29				26		
			161	0	2.98				60	0	11.45
			कुल	10	68.45				59	0	32.86
थाणे	भिंवडी	कलींग बुद्रुक	110	0	47.04				कुल	3	19.12
			109	0	15.14	थाणे	भिंवडी	बोरवली	36/2/1	0	24.40
			111	0	3.14				36/2/2	0	33.20
			108	0	43.48				36	0	10.50
			106	0	0.81				37/6	0	54.00
			112	0	8.25				37/7	0	89.20
			113	0	1.82				37/8	0	60.40
			116	0	0.81				37/9	0	23.90
			115अ	0	67.04				37/10	0	34.00
			115अ	0	42.19				37/11	0	2.00

1	2	3	4	5	6	1	2	3	4	5	6
थाणे	भिवंडी	बोरवली	37/12	0	22.40			सोर	नदी	0	40.1
			37/14	0	12.60				कुल	2	55.3
			37/15	0	18.80	थाणे	करल्यान	खडावली	53	2	13
			37/16	0	13.40				कुल	2	13
			38/9	0	13.40	थाणे	करल्यान	नाडगाव	186	0	55.5
			38/10	0	2.00				167	0	45.0
				0	13.70				166	0	34.5
			48	0	49.90				164	0	12.0
			47	0	51.30				163	0	48.0
			50	0	36.50				कुल	1	95.0
			51	0	18.40	थाणे	करल्यान	राये	6	0	6.0
			53	0	88.50				7	0	24.0
			52	0	17.80				8	0	24.5
			कुल	6	90.30				खाडी	0	2.3
			रोड	0	11.9				2	0	10.0
थाणे	भिवंडी	पटघे	25	0	14.5				10	0	5.0
			167	0	51.5				9	0	40.5
			नदी	0	35.0				रेलवे	0	12.0
			38	0	47.0				15	0	23.0
			कुल	1	59.9				16	0	2.6
थाणे	भिवंडी	आन्हे	20	0	79.5				17	0	13.5
			5	0	6.0				कुल	1	63.3
			4	0	3.0	थाणे	करल्यान	चिन्वबाली	1	0	37.2
			3	0	18.0				2	0	46.9
			50	0	31.5				3	0	9.4
			61	0	28.5				7	0	31.4
			56	0	7.5				9	0	23.2
			55	0	13.5				11	0	77.2
			54	0	7.5				19	0	19.7
			47	0	18.0				18	0	19.2
			46	0	19.5				17	0	41.0
			48	0	4.5				28	0	18.8
			53	0	69.8				15	0	26.4
			27	0	28.5				16	0	6.8
			35	0	21.0				कुल	3	57.2
			34	0	3.0	थाणे	करल्यान	उले	116	0	30.2
			33	0	16.5				112	0	34.1
			71	0	13.5				120	0	27.2
			31	0	34.5				110	0	69.3
			70	0	1.5				97	0	15.1
			कुल	4	25.3				102	0	89.1
थाणे	भिवंडी	वान्दरे	64	0	24.3				98	0	5.5
			27	0	2.6				74	0	64.7
			29	0	6.1				76	0	19.6
			28	0	36.0				77	0	21.7
			33	0	16.0				79	0	97.2
			26	0	15.5				57	0	16.5
			कुल	1	0.4				55	0	10.8
थाणे	भिवंडी	सोर	40	0	22.2				53	0	58.9
			41	0	23.0				54	0	9.0
			39	0	8.2				कुल	5	68.9
			37	0	55.5						
			58	1	7.0						

1	2	3	4	5	6	1	2	3	4	5	6
थाणे	कल्याण	रुन्धे	27	0	81.0	थाणे	कल्याण	घोत्साइ	3	0	4.5
			28	0	4.5				कुल	7	84.4
			30	0	2.3			रावटे	68	0	0.6
			88	0	18.0				67	0	25.5
			84	0	60.0				44	0	57.5
			21	0	39.0				58	0	50.0
			22	0	16.5				67	0	63.5
			20	0	2.3				57	0	6.0
			88	0	49.5				48	0	23.9
			नदी	0	49.5				49	0	11.5
			कुल	3	22.5				52	0	65.4
	टिटवाला		239	0	21.0				51	0	15.5
			246	0	32.0				81	0	23.6
			247	0	67.5				91	0	2.2
			कुल	1	20.5				92	0	2.3
	महास्करल		124	0	3.0				96	0	48.5
			125	0	31.5				94	0	16.5
			123	0	40.0				98	0	30.0
			122	0	22.5				121	0	41.5
			118	0	19.5				120	0	0.1
			117	0	32.3				119	0	0.2
			114	0	27.0				122	0	28.5
			113	0	60.0				123	0	19.4
			95	0	28.3				132	0	35.5
			106	0	3.8				131	1	43.0
			108	1	38.0				135	0	3.0
			कुल	4	5.8				कुल		713.5
	घोत्साइ		34	0	72.0	थाणे	कल्याण	वाहोली	70	0	22.5
			31	0	10.5				68	0	63.5
			32	0	2.3				74	0	7.5
			30	0	2.3				75	0	13.5
			33	0	45.0				138	0	77.0
			25	0	16.5				61	0	28.5
			36	1	61.8				49	0	20.8
			37	0	38.0				60	0	58.8
			20	0	18.0				59	0	13.8
			42	0	19.1				58	0	31.5
			41	0	96.3				136	0	75.6
			50	0	3.0				54	0	21.2
			49	0	2.3				55	0	5.0
			51	0	16.8				56	0	39.0
			53	0	7.2				कुल	4	78.0
			57	0	12.0			आष्टि	72	0	20.3
			56	0	34.5				71	0	44.3
			55	0	12.0				70	0	11.3
			69	0	24.0				69	0	37.5
			70	0	4.9				77	0	11.3
			85	0	26.5				76	0	6.8
			86	0	11.9				67	0	36.0
			87	0	13.0				79	0	15.0
			84	0	6.3				65	0	21.0
			95	0	81.5				41	0	1.5
			167	0	22.5				40	0	57.5
			94	0	19.9				42	0	3.8

1	2	3	4	5	6	1	2	3	4	5	6	
धाणे	कल्यान	आप्य—जारी	38	0	39.0	धाणे	उल्हासनगर	चिलखोली—जारी	111	0	4.9	
			34	0	86.5				5	0	40.5	
			80	0	24.0				2	0	0.5	
			कुल	4	15.5				3	0	24.0	
		वसंत शेखोली	नदी	0	60.0				4	0	16.5	
			114	0	41.3				13	0	43.5	
			118	0	0.5				12	0	22.2	
			115	0	18.8				15	0	15.0	
			116	0	37.5				25	0	39.0	
			खाडी	0	22.5				28	0	18.8	
			44	0	14.6				24	0	4.5	
			43	0	45.4				29	0	18.8	
			45	0	2.0				58	0	44.5	
			59	0	27.0				57	0	30.5	
			58	0	39.0				56	0	55.5	
			53	0	1.5				55	0	57.0	
			57	0	7.5				कुल	6	86.8	
			55	0	28.5			जाम्बीवली	28	1	15.5	
			54	0	23.5				17	1	15.5	
			52	0	16.5				21	0	16.5	
			51	0	40.5				25	0	6.8	
			50	0	37.5				23	0	30.0	
			कुल	4	64.0				40	0	75.0	
		आम्बीवली	24	0	7.5				43	0	48.0	
			25	0	22.5				42	1	20.0	
			26	0	13.5				38	0	69.5	
			21	0	37.5				37	0	88.0	
			34	0	46.5				कुल	6	84.8	
			38	0	5.3			काकलेय	तालाब	1	25.0	
			33	0	5.3				20	0	10.5	
			39	0	6.8				21	0	36.0	
			41	0	7.3				22	0	35.3	
			40	0	65.3				26	0	2.3	
			कुल	2	17.3				कुल	1	9.1	
		जाम्बुल मोहिली	55	0	43.5				बोहोली	11	0	59.25
			57	0	58.5				10	0	6.75	
			रोड	0	4.5				कुल	0	6.6	
			58	0	25.5				शिरवाली	28	0	15
			53	0	85.2				31	0	46.5	
			51	0	15.0				20	0	21	
			50	0	2.5				29	0	15	
			37	0	48.5				36	0	29.5	
			38	1	28.0				52	0	30	
			कुल	4	11.2				53	0	10.5	
		उल्हासनगर	चिलखोली	132	0	21.0			51	0	22.5	
				131	0	34.5			49	0	48.9	
				128	0	86.5			48	0	1.5	
				126	0	2.3			41	0	29.5	
				127	0	15.0			कुल	2	69.9	
				129	0	73.5			आम्बे	28	0	6.6
				रोड	0	7.5			27	0	4.6	
				143	0	4.5			26	0	33.5	
				112	0	6.2			25	0	4.9	



1	2	3	4	5	6
थाणे	उल्हास नगर	आम्बे—जारी	34	0	33.5
			23	0	3.8
			21	0	26.5
			16	0	21.9
			17	0	27.6
			19	0	10.7
			12	0	5.3
			2	0	14.3
			3	0	31.6
			4	0	26.0
			1	0	8.7
		जी.पी.एल.	0	18.5	
			71	0	38.5
			80	0	14.0
			78	0	11.2
			75	0	71.6
		कुल	4	13.2	
	खरड		22	0	37.5
			23	0	3.0
			24	0	21.0
			25	0	39.0
			26	0	28.5
			27	0	93.5
		कुल	2	22.5	
	कुशिवली		82	1	1.2
		कुल	0	1.01	
	राखारेली		19	0	55.5
			18	0	79.5
			15	0	50.3
			14	0	10.5
			10	0	41.3
			36	0	6.0
			39	1	5.0
			37	0	12.0
			38	0	15.8
			43	0	24.0
			45	0	45.0
			47	0	37.5
		कुल	4	82.3	
	वाडी		27	0	9.0
			192	0	8.0
			191	0	33.0
			190	0	22.4
			188	0	22.2
			187	0	4.1
			186	0	53.3
			211	0	5.5
			210	0	21.0
			185	0	2.3
		रोड	0	6.0	
			144	0	11.3
		कुल	1	98.0	

[ फाइल सं. 14014/24/01-जी.पी. ]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 11th February, 2002

S.O. 696.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas through Hazira-Uran pipeline project in District Thane of Maharashtra State, a pipeline should be laid by the Gas Authority of India Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, MMRDA Building, 3rd Floor, Bandra Kurla Complex, Bandra (East), Mumbai-400051, Maharashtra.

## SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU in hectare	
1	2	3	4	5	6
Thane	Talasari	Bormal	113	0	5.77
			19	0	19.45
			101	0	78.31
			30	0	26.62
			28	0	20.40
			23	0	28.60
			27	0	2.68
			24	0	24.14
			110	0	60.40
			56	0	4.36
			108	0	85.04
			57	0	5.73
			58	0	0.19
			107	0	22.44
			60	0	47.69
			109	0	15.98
			61	0	6.65
			Total	4	54.45
		Anwir	112	0	39.32
			173	0	64.28
			110	0	27.74
			101	0	0.74
			Total	1	32.08
		Savroli	123	0	65.49
			Total	0	65.49
		Sutrakar	316	0	39.75
			362	0	35.74
			443	0	22.31

1	2	3	4	5	6	1	2	3	4	5	6
Thane	Talasari	Sutrakar—Contd.	410	0	43.80	Thane	Talasari	Vadvali	80	0	4.26
			360	0	51.97				81	0	15.26
			154	0	44.56				Total	0	19.52
			145	0	1.64			Kurze	325	0	15.06
			359	1	46.70				348	0	11.24
			143	0	11.81				397	0	40.81
			399	0	16.06				246	0	36.65
			129	0	23.36				398	0	38.78
			358	0	19.20				245	0	4.21
			127	0	20.96				244	0	44.69
			128	0	2.87				328	1	6.95
			358	0	28.93				233	0	7.33
			406	0	4.86				239	0	41.38
			203	0	18.55				238	0	36.00
			358	0	26.99				237	0	24.04
			200	0	9.29				329	0	54.40
			199	0	30.51				—	0	6.62
			218	0	2.02				404	0	21.70
			198	0	26.97				Total	4	89.86
			197	0	41.83			Kochai	37	0	23.80
			222	0	3.83			Ambeshet	67	0	17.22
			404	0	0.07			Masangaon	40	1	9.10
			224	0	47.54				65	0	15.70
			403	0	23.83				62	0	0.47
			225	0	21.77				63	0	2.58
			372	0	74.86				16	0	22.40
			226	0	9.25				31	0	50.29
			295	0	9.45				26	0	18.74
			373	0	23.91				16	0	22.72
			296	0	16.34				27	0	5.43
			373	0	31.93				31	0	66.07
			300	0	43.34				52		23.98
			373	0	26.11				—	0	30.48
			310	0	46.32				56	0	6.15
			312	0	32.74				16	1	4.63
			376	1	57.60				100	0	0.82
			313	0	10.94				32	0	65.70
			379	0	4.80				109	0	1.40
			318	0	0.63				29	0	6.51
			319	0	61.65				52	0	19.40
			382	1	19.46				24	0	59.47
		Total	14	37.05					5	0	9.52
	Patilpada		122	0	73.62				136	0	35.04
			118	0	22.68				8	0	0.75
			126	1	37.69				9	0	45.48
			120	0	4.01				14	0	4.95
			127	0	1.89				13	0	31.75
			130	0	44.09				10	0	9.74
			101	0	49.68				—	0	29.25
			131	0	18.84				Total	7	73.84
			135	1	67.70		Dahanu	Dapchari	435	0	51.6
			133	0	21.50				486	0	0.3
		Total	5	41.70					487	0	0.4
	Thaker Pada		109	0	41.56				486	0	74.7
		Total	0	41.56					229	0	12.0

1	2	3	4	5	6	7	8	9	10	11	12
Thane	Dahanu	Dapehari--	contd 485	0	34.0	Thane	Dahanu	Haladpada--	contd.53	0	0.3
		Pada		0	2.6					55	0
		439		0	78.7					45	0
		214		0	23.1					44	0
		215		0	9.4					46	0
		439		0	3.5					18	0
		222		0	15.2					22	0
		440		1	15.9					19	0
		223		0	22.4					17	0
		224		0	27.8					Total	5
		226		0	3.7			Amboli		166	0
		140		0	12.0			3		171	0
		225		0	0.1					167	0
		239		0	0.5					168	0
		233		0	3.9					171	1
		443		0	41.2					170	0
		101		0	7.6					171	0
		Pada		0	48.1					176	0
		175		0	45.9					190	0
		173		0	9.8					178	0
		174		0	15.6					190	0
		446		0	94.3					184	0
		247		0	4.8					183	0
		528		0	0.8					190	0
		248		0	2.9					194	0
		446		0	1.3					193	0
		445		1	12.2					192/A	0
		288		0	0.9					193	0
		289		0	14.8					Nala	0
		290		0	31.3					15	0
		-		0	33.6					10	0
		295		0	28.6					15	0
		457		0	29.9					10	0
		296		0	0.1					8	0
		297		0	14.9					15	0
		456		1	95.5					11	0
		460		0	0.9					15	0
		305		0	20.1					12	0
		460		0	2.9					15	0
		456		0	6.8					19	0
		Total		9	97.8					Pada	0
Thane	Dahanu	Haladpada	67	0	0.1					22	0
			66	0	2.3					23	0
			68	0	15.6					25	0
			67	0	41.1					27	0
			69	0	0.1					28	0
			70	0	19.1					27	0
			77	0	39.9					28	0
			63	0	0.1					30	0
			62	0	9.1					31	0
			78	0	2.0					29	0
			79	0	7.2					33	0
			80	0	1.9					37	0
			81	0	7.8					34	0
			59	0	66.5					37	1

1	2	3	4	5	6	1	2	3	4	5	6
Thane	Dahanu	Amboli—contd.	38	0	21.1	Thane	Dahanu	Khaniv	87	3	27.0
		Total		12	11.9				Nala	0	9.7
		Dhanivari	159	3	94.4				86	0	3.7
			202	0	1.6				66	0	54.6
			196	0	1.4				60	0	69.6
			186	1	34.4				71	0	9.2
		Total		1	31.8				59	0	22.6
		Dewoor	65	0	20.8				23	0	50.7
			67	0	1.5				25	0	22.1
			125	0	60.2				64	0	60.6
			109	0	34.0				66	1	7.1
			125	0	25.4				39	0	4.3
			84	0	22.1				83	0	67.2
			125	0	40.6				38	0	3.8
		Nala		0	3.3				81/2	0	65.4
			85	0	30.4				58	0	23.1
			166	0	65.8				54	0	2.0
			92	0	12.6				53	0	76.4
			166	0	11.2				4	0	12.3
		Nala		0	5.9				53	0	9.9
			168	0	9.3				68	0	19.5
		Total		3	43.1				53	0	64.3
Thane	Dahanu	Oservira	62	0	7.0				Total	6	85.1
			73	0	15.7			Waghadi	365	0	25.5
			62	0	96.6				364	0	14.4
			63	0	8.2				369	0	1.1
			62	0	12.2				370	0	22.1
			111	0	1.3				351	0	30.6
			110	0	24.3				349	0	6.2
			112	0	21.6				348	0	17.4
			115	0	60.2				347	0	3.5
			113	0	0.2				349	0	0.3
			114	0	1.9				346	0	16.4
			115	0	34.6				345	0	17.0
			62	0	24.4				331	0	10.4
			116	0	4.4				332	0	19.0
			121	0	36.9				314	0	14.8
			62	0	5.3				311	0	17.6
			43	0	5.5				312	0	13.8
			42	0	18.8				306	0	13.8
			62	0	54.8				285	0	28.2
			47	0	0.1				296	0	27.7
			44	0	0.3				295	0	7.7
			62	0	7.4				297	0	0.1
			79	0	13.0				291	0	16.4
			81	0	10.1				289	0	7.2
			71	0	0.5				294	0	0.6
			79	1	21.9				290	0	30.9
			75	0	4.5				221	0	18.0
			76	0	9.1				217	0	10.8
			79	0	8.2				218	0	20.5
			78	2	21.9				216	0	0.2
			77	0	9.3				213	0	0.8
		Total		5	40.2				215	0	7.3
									206	0	26.4

1	2	3	4	5	6	1	2	3	4	5	6
Thane	Dahanu	Waghadi—contd	205	0	9.2	Thane	Vikramgarh	Murbad—contd.	82	0	45.7
		Road		0	6.3				312	0	3.4
		40		0	27.2				314	0	8.6
		45		0	8.2				86	0	25.9
		17		0	2.1				80	0	7.4
		38		0	3.8				87	0	2.6
		46		0	11.9				88	0	28.6
		19		0	8.7				89	0	1.8
		37		0	2.9				90	0	8.1
		34		0	24.6				65	0	22.2
		47		0	38.8				64	0	0.4
		52		0	54.6				62	0	1
		Total	6	45.0					48	0	27.6
	Vikramgarh	Weti	293	0	27.9				63	0	36.9
			249	0	12.8				62	0	14.9
			250	0	19.7				61	0	8.1
			251	0	9.7				62	0	1.4
			253	0	21.5				60	0	1.1
		17W	0	5.6					58	0	59.1
		254	0	21.1					164	0	10.9
		256	0	23.4					167	0	5.1
		Road	0	4.1					169	0	0.4
		147	0	0.6					168	0	53.7
		146	0	14.6					198	0	2.6
		152	0	30.1					197	0	52.1
		540	0	0.1					196	0	27.6
		156	0	6.4					195	0	31.9
		155	0	30.4					223	0	4.7
		157	0	12.2					224	0	9.9
		131	0	19.5					225	0	14
		133	0	13.4					24	0	64
		129	0	6.2					272	0	7.3
		123	0	37.2					278	0	99.5
		31W	0	14.5					269	0	25.6
		104	0	6.6					270	0	24
		105	0	40.4					240	0	31.3
		102	0	11					239	0	13.3
		42W	0	2.5					241	0	29.1
		100	0	19.1					Total	8	44.4
		98	0	8.8		Thane	Vikramgarh	Pimpalshet	Nala	0	6.3
		79	0	55.2				Bdk.	58A	0	5
		81	0	17.9					61	0	21.5
		77	0	2.4					62	0	3.7
		82	0	25.4					63	0	5.5
		60	0	50.7					64	0	36.4
		50	0	2.2					65	0	5.1
		58	0	7.4					66	0	23.1
		51	0	9.9					68	0	6
		57	0	16.5					71	0	38
		56	0	23.4					43	0	32.8
		53	0	37.4					44	0	6.8
		Total	6	67.8					45	0	0.1
Thane	Vikramgarh	Murbad	83	0	24.4				43	0	25.4
			84	0	0.1				Nala	0	2.8
			77	0	8.1				48	0	31.9

		4	5	6	1	2	3	4	5	6	
Thane	Vikramgarh	Pimpalshet	49	0	33.2	Thane	Vikramgarh	Apt Bdk. - contd	Nala	0	10.7
		Bdk-Contd	107	0	21.4				68	0	37.2
			51	0	2.6				67	0	37.1
			108	0	31.3				117	0	0.7
			106	0	0.6				66	0	66.5
		Nala	0	22.3	Road				0	4.7	
		25	0	3.2	76				0	14.8	
		106	0	24	77				0	24.4	
		26	0	22.4	78				0	7.6	
		87	0	6.8	87				0	13.6	
		106	1	8.7	85				0	1.8	
		90	0	1.3	79				0	1.0	
		51	2	24.1	84				0	38.5	
		36	0	17.1	85				0	36.2	
		102	0	46	162				0	4.3	
		38	0	84.3	108				0	4.4	
		104	0	39.1	109				0	29.9	
		57	1	63	122				0	37.9	
		Total	7	1.8	163				0	0.5	
	Chinchghar	76	1	31.8	123				0	80.4	
		77		70.3	124				0	46.8	
		78		13.47	67				0	18.7	
		73		22.72	Total				10	18.9	
		80		8.07	Thane	Vikramgarh	Chinchghar	88	0	22.2	
		68		92.55				91	0	74.5	
		67		5.20				89	0	0.3	
		69		54.43				Total	0	97	
		65	1	23.21							
Thane	Vikramgarh	60		63.93	Thane	Vikramgarh	Kurze	204	0	7.3	
		61		1.51				203	0	64.2	
		59		58.88				202	0	34.5	
		58		52.72				206	0	32.6	
		54		0.79				205	0	48.1	
		56		68.37				209	0	14.2	
		48		59.53				207	0	24.8	
		39		16.67				198	0	14.7	
		47		60.64				197	0	35.5	
		42		33.09				196	0	57.3	
				11.81				218	0	12.6	
		41		89.21				219	0	12.7	
		40	1	15.25				224	0	1.8	
		39		82.93				222	0	7.2	
		38		61.35				221	0	37.4	
		37		23.01				239	0	21.3	
		Total	4	15.57				240	0	73.5	
	Apt Bdk	54	0	61.9				242	1	23.1	
		56	0	83.1				299	0	3.1	
		57	0	6.8				297	0	22.7	
		52	0	36.5				298	0	29.9	
		45	0	8.7				295	0	5.4	
		38	0	40.5				294	0	21.4	
		36	0	1.7				300	0	59.3	
		37	0	52.9				301	0	33.7	
		38	0	9.4				307	0	60.2	
		34	0	72.4				303	0	16.2	

1	2	3	4	5	6	1	2	3	4	5	6
Thane	Vikramgarh	Kurze-contd	306	0	7.6	Thane	Vikramgarh	Ambivali-contd	90	0	51.3
			305	0	7.4				83	0	0.9
			310	0	5.7				Nala	0	7.8
			311	0	6.4				Total	5	9
			312	0	12.9	Thane	Wada	Suponde	216	0	36.5
			314	0	7.7				217	0	25.4
			315	0	14.3				215	0	4.9
			314	0	19.3				181	0	8.5
			316	0	5.3				182	0	31.5
			280	0	71.2				180	0	38.0
			277	0	87.6				169A	0	2.4
			449	0	49.2				179	0	40.5
			450/2	0	18.1				169B	0	14.8
			450/3	0	24.1				106	0	24.6
			450/5	0	23.1				178	0	20.5
			450/4	0	9.2				195	0	14.6
			475	0	46.3				177	0	19.0
			476	0	87.5				196	0	0.2
			498	0	26.6				175B	0	15.1
			499	0	94				145B	0	42.7
			491	0	4.6				176	0	1.5
			500	0	15.3				145A	0	7.4
			520	0	1				198	0	30.8
			501	0	4.7				141	0	0.1
			520	0	59				142	0	6.7
			531	0	1				143	0	0.4
			519	0	8.7				65	0	27.2
			511	0	76.1				66	0	16.1
			531	0	26.2				67	0	10.0
			534	0	31.7				68A	0	0.9
			535	0	32.6				141	0	2.9
			537	0	9.5				69	0	0.1
			River	0	37.2				68B	0	53.4
			Total	17	22				72A	0	21.4
Thane	Vikramgarh	Ambivali	54	0	77.9				71	0	17.8
			52/A	0	0.3				75B	0	37.8
			55	0	5.1				78	0	20.0
			52/A	0	41.9				79	0	23.8
			50	0	5.7				80	0	21.5
			48	0	33.6				81	0	9.6
			49	0	3				78	0	1.5
			47	0	44.3				Total	6	50.1
			46	0	8.9	Thane	Wada	Kalamkhand	196	0	0.3
			69	0	62.8				195	0	34.6
			68	0	15.8				231	0	72.9
			66	0	28.8				195	0	4.8
			Road	0	4.5				230	0	3.1
			66P	0	3.9				232	0	16.6
			75	0	24.8				198	0	4.3
			76	0	20.1				233	0	36.8
			Nala	0	8.2				236	0	10.7
			77	0	27.4				193	0	18.2
			78	0	8.6				238	0	72.3
			80	0	0.8				197	0	43.2
			79	0	22.6				192	0	13.3

1	2	3	4	5	6	1	2	3	4	5	6
Thane	Wada	Kalamkhand-contd	191	0	24.9	Thane	Wada	Bhopivali-contd	199	0	3.8
			190	0	16.6				200	0	0.1
			188	0	16.7				164	0	9.2
			187	0	12.6				165	0	12.8
			186	0	7.7				166	0	0.6
			177	0	10.8				176	0	5.5
			178	0	21.0				168	0	13.2
			179	0	16.7				169	0	0.1
			175	0	17.9				117	0	20.3
			161	0	18.9				170	0	4.0
			151	0	13.1				171	0	2.9
		Road		0	5.5				173-B	0	3.9
			156	0	6.8				160-A	0	24.5
			155	0	32.7				160-B	0	4.4
			154	0	20.0				159	0	8.9
			153	0	32.9				115-A	0	6.8
			148	0	27.4				124	0	22.3
			147	0	1.2				123	0	11.4
		Total		6	34.8				122	0	1.1
Thane	Wada	Kanchad	24	0	2.3				121	0	16.8
			25	0	36.5				120	0	0.2
			26	0	21.8				119	0	0.1
			27	0	19.8				115-B	0	7.3
			28	0	7.6				118	0	23.3
			29	0	9.2				116	0	19.6
			30	0	8.6				Total	3	43.5
			31	0	9.4						
			32	0	8.0	Thane	Vikramgarh	Kharivali	259	0	88.0
			33	0	18.5				317	0	22.6
		Total		1	41.7				229	0	13.5
									318	0	0.8
Thane	Wada	Vavheghar	37	0	6.8				268	0	73.8
		Total		0	6.8				324	0	0.2
Thane	Wada	Mande	62	0	23.0				202	0	37.7
			61	0	17.1				208	0	39.0
			55	0	35.4				257	0	1.5
			54	0	13.4				67	0	15.9
			53	0	62.5				326	0	9.0
			51	0	40.0				66	0	50.7
			50	0	9.3				Total	3	52.7
			47	0	61.1	Thane	Vikramgarh	Ambiste	139	0	40.0
			46	0	19.4			Khurd	140	0	82.8
			45	0	16.8				129	0	23.4
			44	0	18.7				113	0	49.4
		Total		3	16.7				119	0	0.1
Thane	Wada	Bhopivali	191	0	2.4				131	0	0.7
			192	0	11.4				111	0	10.9
			193	0	35.3				107	0	22.6
			194	0	26.9				106	0	0.9
			195	0	2.7				105	0	0.6
			187	0	0.5				101	0	2.2
			189	0	0.7				100	0	18.7
			186	0	29.8				40	0	



1	2	3	4	5	6	1	2	3	4	5	6
Thane	Wada	Ambiste	53	0	16.4	Thane	Wada	Khaniwali-contd	209	0	1.2
		Budruk	72	0	6.1				212	0	20.1
			61	0	11.3				213	0	9.7
			62	0	5.5				194	0	32.9
			84	0	7.7				197	0	2.0
			59	0	7.7				193	0	0.8
			31	0	8.6				193	0	9.9
			14	0	3.6				192	0	3.3
			15	0	13.4				197	0	1.0
			14	0	2.4				187	0	4.8
			88	0	2.5				133	0	3.2
			13	0	7.8				164	0	8.4
		Total		3	73.3				162	0	1.6
			450	0	10.6				166	0	11.2
			449	0	10.9				163	0	13.8
			450	0	34.0				134	0	8.3
			444	0	0.2				160	0	10.7
			447	0	24.1				135	0	36.8
			446	0	3.4				115	0	11.8
			455	0	6.2				120	0	9.2
			456	0	4.8				115	0	19.2
			458	0	7.9				110	0	25.5
			459	0	12.1				111	0	1.4
			437	0	4.9				109	0	7.4
			469	0	7.5				108	0	3.1
			437	0	1.2				109	0	0.9
			459	0	30.9				Total	3	80.5
			471	0	32.3			Billoshi	364	0	10.2
			329	0	34.5				298	0	3.2
			328	0	4.4				363	0	4.3
			324	0	2.1				362	0	0.1
			326	0	12.2				365B	0	13.9
			241	0	26.7				362	0	21.0
			242	0	7.0				366	0	2.0
			235/A	0	17.3				299	0	3.4
			235/B	0	31.7				300	0	10.4
			200	0	11.0				361	0	10.6
			199	0	12.6				301	0	24.4
			201	0	3.7				293	0	13.5
			202	0	1.2				292	0	4.8
			197	0	39.8				289	0	26.7
			192	0	22.6				271	0	30.1
			194	0	15.3				274	0	45.4
			193	0	5.1				272	0	0.1
			195	0	15.8				273	0	11.8
			189A	0	7.4				236	0	5.1
			188	0	0.1				237	0	1.9
			187	0	42.5				239	0	3.9
		Total		5.0	3.7				240	0	2.7
		Khanivali	213	0	17.8				238	0	11.4
			213	0	16.7				226	0	0.4
			214	0	6.0				225A	0	28.3
			214	0	22.2				224	0	0.4
			213	0	57.8				225C	0	8.2
			218	0	1.8				204	0	10.4

1	2	3	4	5	6	1	2	3	4	5	6
Thane	Wada	Billoshi-contd	203	0	0.4	Thane	Wada	Bhudhaval-contd	142	0	35.4
			205	0	0.0				148	0	0.1
			206	0	1.3				149	0	9.4
			207	0	8.5				150	0	29.5
			124	0	22.9				160	0	19.2
			123	0	18.5				152	0	0.5
			127	0	6.3				153	0	2.5
			121	0	24.4				161	0	0.6
			119	0	5.5				154	0	0.9
			118	0	13.6				155	0	1.1
			107	0	10.0				159	0	15.6
			116	0	12.9				158	0	15.4
			108	0	0.5				179	0	4.0
			109	0	0.7				190	0	1.3
			114	0	0.9				194	0	2.7
			115	0	12.2				196	0	8.2
			112	0	5.5				195	0	8.1
			46A	0	0.7				196	0	7.2
			46B	0	1.5				199	0	11.9
			111	0	18.4				Total	5	23.5
			48	0	45.5			Bilavli	485/C	0	1.1
			39	0	0.3				458	0	6.1
			29A	0	15.3				457	0	2.8
			37	0	23.3				456	0	2.1
			36	0	17.7				454	0	1.9
			35	0	1.3				146/B	0	22.0
			29/A	1	46.8				247	0	0.1
			29C	0	10.4				243	0	1.8
			25	0	1.6				244	0	2.7
			24	0	22.0				245	0	12.9
			29/A	0	20.4				246-C	0	0.5
			Nala	0	8.4				246-B	0	1.3
			Total	6	86.6				231	0	10.3
		Bhudhaval	68	1	41.7				230	0	2.6
			71	0	26.0				228	0	5.0
			72	0	24.0				229	0	1.4
			73	0	11.6				227	0	12.7
			84	0	6.7				222	0	12.7
			85	0	21.9				219	0	39.4
			86	0	35.4				217	0	16.1
			109	0	78.1				216	0	15.1
			108	0	12.6				219	0	2.5
			112	0	9.4				201	0	1.6
			111	0	6.8				Total	1	74.8
			109	0	3.3			Dongaste	Road	0	1.1
			111	0	6.8				66/1	0	18.0
			110	0	8.1				66/4	0	2.1
			111	0	4.6				66/10	0	7.9
			109	0	3.3				66/12	0	10.3
			135	0	21.1				66/15	0	3.0
			137	0	8.4				66/16	0	11.6
			139	0	4.4				65	0	14.1
			133	0	2.8				66/19	0	0.2
			138	0	9.0				68	0	19.1
			141	0	4.1				67/2	0	7.3

1	2	3	4	5	6	1	2	3	4	5	6
Thane	Wada	Dongaste-contd	68/2	0	18.8	Thane	Wada	Chinchghar-	207	0	31.2
			68/3	0	16.2				198	0	0.6
			71/2	0	14.3				199A	0	12.6
			71/3	0	23.0				205	0	1.3
			71/4	0	3.8				204	0	0.1
			71/1	0	0.9				201	0	2.7
			73/3	0	3.0				203	0	87.3
			70/7	0	0.1				206	0	2.1
			73/5	0	33.1				181	0	0.9
			75/3	0	1.3				186	0	10.3
		Road		0	2.6				178	0	3.0
		1-1		0	0.8				Total	1	52.1
		1-2		0	15.1			Musame	201	0	0.9
		1-5		0	4.3				202	0	16.7
		1-4		0	16.2				201	0	15.7
		1-7		0	0.3				203	0	5.2
		1-8		0	4.9				212	0	22.3
		1-9		0	8.4				211	0	7.3
		5-7		0	1.2				213	0	25.3
		1-10		0	1.2				210	0	0.6
		5-12		0	12.0				229	0	28.9
		2-2		0	22.3				218	0	7.4
		2-4		0	5.9				228	0	11.3
		2-5		0	7.7				227	0	3.1
		2-6		0	0.5				245	0	0.5
		2-9		0	12.9				226	0	14.2
		2-10		0	11.3				225	0	2.8
		25/27		0	12.2				224	0	9.7
		25/26		0	5.7				249	0	12.2
		25-3		0	6.4				262	0	36.1
		25-5		0	8.3				260	0	7.9
		24-1		0	10.6				259	0	8.3
		25-6		0	1.0				317	0	13.7
		24-5		0	20.4				318	0	7.3
		24-7		0	18.1				317	0	1.3
		30-1		0	13.9				319	0	15.0
		30-3		0	3.0				332	0	3.6
		29-2		0	14.5				331	0	18.3
		30-4		0	0.5				337	0	40.5
		30-5		0	1.9				385	0	1.3
		30-6		0	4.4				384	0	5.9
		29-3		0	11.9				382	0	15.0
		31-1		0	22.1				396	0	8.2
		Gavthan		0	4.2				387	0	8.2
		31-2		0	13.8				400	0	0.5
		34/1		0	9.3				398	0	10.0
		34/3		0	4.7				381/A	0	10.0
		34/2		0	6.3				381/B	0	3.0
		34.9		0	17.6				380A	0	32.1
		33/2		0	0.7				379	0	7.7
		33/3		0	13.3				Road	0	4.0
		34/1		0	0.2				347	0	10.7
		30-12		0	9.3				335	0	22.3
		Total		5	71.1				356	0	3.4
									354	0	4.2
									353	0	13.6

1	2	3	4	5	6	1	2	3	4	5	6
Thane	Wada	Musame-contd	352	0	37.1	Thane	Bhiwandi	Kharivali	62	0	31 30
			367B	0	22.2				65	0	0 80
			467	0	21 0				63	0	57 90
			469/B	0	6 8				60	0	45 20
			469A	0	12 2				59	0	3 30
			473	0	41 5				58	0	18 30
			472	0	17 7				57	0	83 70
			481	0	14 8				55	0	35 70
			482	0	12 3				49	0	43 30
			480	0	41 6				56	0	9 60
			Total	7	23 7				48	0	7 50
		Met	119	0	51.7				45	0	57 11
			120	0	0 7				46	0	25.60
			118	0	2 5				44	0	8 80
			117	0	0.3				Total	4	28.11
			Road	0	7.4			Godravali	2	0	1.14
			128	0	2 9				21	0	99 80
			127	0	89 2				22	0	3 60
			157	0	28.8				24	0	32 30
			154	0	1.3				20	0	53 20
			153	0	14 6				18	0	16 50
			152	0	22 2				19	0	11 00
			149	0	18.1				Total	2	17.54
			164	0	0 4			Jambivali	49	0	30.50
			165	0	26 6				49	0	29.80
			171	0	8.3				51	0	8 74
			173	0	41 8				50	0	31.70
			172	0	0 1				49	0	17 70
			174	0	29.7				50	0	32 60
			178	0	3.6				49	0	11 60
			175	0	9 2				61/2	0	55 60
			176	0	17 3				61/3/1	0	21 30
			River	0	26.2				61/1	0	5 60
			Total	4	3.0				61/3/2	0	13 10
Thane	Bhiwandi	Dighasi	179	0	74 10				61/4	0	0 40
			46	0	37 06				61/5	0	50 80
			173	0	0 25				68	0	21 20
			77	0	29 47				44/9	0	20 30
			78	0	27.39				45/1/1	0	22.90
			39	0	13 49				44/1/1	0	6 80
			79	0	19 55				77/1/1	0	72.20
			84	0	94 62				38/1	0	2.27
			5	0	75 15				38/2	0	23.00
			3	0	72 71				38/6	0	0.30
			158	0	1 97				38/7	0	11.40
			134	0	41 54				38/8	0	0.20
			133	0	43.92				38/10/1	0	17.40
			117	0	36.96				48/6/1	0	0.04
			132	0	0 96				48/8	0	67 40
			128	0	20 00				Nala	0	11.50
			118	0	10.59				Total	5	86.35
Thane	Bhiwandi	Dighasi	124	0	25 00	Thane	Bhiwandi	Kirvali-duravli	136	0	0 50
			166	0	0 06				144	0	39 30
			183	0	11 07				137	0	22 50
			190	0	2 49				139	0	33 50
			Total	6	38 35						

1	2	3	4	5	6	1	2	3	4	5	6
Thane	Bhiwandi	Kirvali-duravli	126	0	15.90	Thane	Bhiwandi	Lap-Budruk	137	0	21.50
			121	0	17.60				133	0	34.85
			111	0	7.10				128	0	10.00
			121	0	17.60				126	0	42.15
			24	0	31.5				127	0	12.98
			22	0	8.80				123	0	53.54
			21	0	31.10				121	0	36.77
			26	0	30.40				97	0	45.85
			13	0	34.1				114	0	2.29
			115	0	6.20				111	0	19.43
			15	0	58.20				103	0	44.97
			14	0	31.30				99	0	6.86
			20	0	16.10				100	0	13.80
			6	0	31.10				107	0	30.65
			93	0	40.50				110	0	3.18
			94	0	45.40				160	0	7.41
			64	0	5.80				106	0	14.79
			90	0	10.10				105	0	88.29
			89	0	38.10				161	0	2.98
			87	0	17.20				Total	10	68.45
			85	0	4.70			Kaling-Budruk	110	0	47.04
			83	0	17.40				109	0	15.14
			80	0	2.50				111	0	3.14
			81	0	9.80				108	0	43.48
		Total	06	24.30					106	0	0.81
Thane	Bhiwandi	Lap-Budruk	38	0	4.60				112	0	8.25
			40	0	8.40				113	0	1.82
			41	0	24.71				116	0	0.81
			85	0	4.50				115A	0	67.04
			42	0	8.40				115A	0	42.19
			35	0	45.76				114	0	9.76
			34	0	20.16				19/1/1	0	3.12
			33	0	12.30				19/2/1	0	30.13
			183	0	0.23				22	0	11.91
			32	0	24.50				23	0	1.11
			31	0	44.56				21	0	98.30
			30	0	20.33				Total	3	84.05
			29	0	22.78			Dalepada	52	0	22.99
			20	0	40.48				59	0	1.95
			19	0	22.78				57	1	8.42
			14	0	13.25				62	0	47.53
			15	0	0.06				Total	1	80.89
			16	0	35.43	Thane	Bhiwandi	Chinchavali	37	0	52.13
			10	0	65.31				40	0	41.53
			180	0	8.25				39	0	0.98
			7	0	11.32				43	0	35.92
			148	0	32.72				45	0	39.24
			8	0	8.19				46	0	0.29
			6	0	0.29				4	0	12.76
			167	0	10.38				5	0	6.98
			141	0	3.13				6	0	2.10
			139	0	42.17				7	0	1.37
			140	0	10.48				8	0	9.98
			142	0	16.02				9	0	20.65
			138	0	14.67				10	0	23.47

1	2	3	4	5	6	1	2	3	4	5	6
Thane	Bhiwandi	Chinchavali	22	0	29.50	Thane	Bhivandi	Anhe-contd.	56	0	7.5
			19	0	20.61				55	0	13.5
			18	0	30.27				54	0	7.5
			Total	2	23.93				47	0	18.0
		Devali	4						46	0	19.5
			5	0	33.16				48	0	4.5
			6	0	18.04				53	0	69.8
			10	0	23.38				27	0	28.5
			11	0	22.86				35	0	21.0
			19	0	17.27				34	0	3.0
			22	0	55.05				33	0	16.5
			62	0	0.80				71	0	13.5
			62/2	0	51.99				31	0	34.5
			62/3/1	0	34.69				70	0	1.5
			25/1	0	11.72				Total	4	25.3
			25/2	0	5.85			Vandre	64	0	24.3
			26						27	0	2.6
			60	0	11.45				29	0	6.1
			59	0	32.86				28	0	36.0
			Total	3	19.12				33	0	16.0
		Borivali	36/2/1	0	24.40				26	0	15.5
			36/2/2	0	33.20				Total	1	0.4
			36	0	10.50			Sor	40	0	22.2
			37/6	0	54.00				41	0	23.0
			37/7	0	89.20				39	0	8.2
			37/8	0	60.40				37	0	55.5
			37/9	0	23.90				58	1	7.0
			37/10	0	34.00				River	0	40.1
			37/11	0	2.00				Total	2	55.3
			37/12	0	22.40	Thane	Kalyan	Khadavali	53	2	13
			37/14	0	12.60				Total	2	13
			37/15	0	18.80			Nadgam	186	0	55.5
			37/16	0	13.40				167	0	45.0
			38/9	0	13.40				166	0	34.5
			38/10	0	2.00				164	0	12.0
				0	13.70				163	0	48.0
			48	0	49.90				Total	1	95.0
			47	0	51.30			Raye	6	0	6.0
			50	0	36.50				7	0	24.0
			51	0	18.40				8	0	24.5
			53	0	88.50				Khadi	0	2.3
			52	0	17.80				2	0	10.0
			Total	6	90.30				10	0	5.0
		Padghe	Road	0	11.9				9	0	40.5
			25	0	14.5				Railway	0	12.0
			167	0	51.5				15	0	23.0
			River	0	35.0				16	0	2.6
			38	0	47.0				17	0	13.5
			Total	1	59.9				Total	1	63.3
Thane	Bhivandi	Anhe	20	0	79.5	Thane	Kalyan	Chinchavali	1	0	37.2
			5	0	6.0				2	0	46.9
			4	0	3.0				3	0	9.4
			3	0	18.0				7	0	31.4
			50	0	31.5				9	0	23.2
			61	0	28.5				11	0	77.2

1	2	3	4	5	6	1	2	3	4	5	6
Thane	Kalyan	Chinchavali	19	0	19.7	Thane	Kalyan	Ghotsai-contd	25	0	16.5
			18	0	19.2				36	1	61.8
			17	0	41.0				37	0	38.0
			28	0	18.8				20	0	18.0
			15	0	26.4				42	0	19.1
			16	0	6.8				41	0	96.3
			Total	3	57.2				50	0	3.0
		Utane	116	0	30.2				49	0	2.3
			112	0	34.1				51	0	16.8
			120	0	27.2				53	0	7.2
			110	0	69.3				57	0	12.0
			97	0	15.1				56	0	34.5
			102	0	89.1				55	0	12.0
			98	0	5.5				69	0	24.0
			74	0	64.7				70	0	4.9
			76	0	19.6				85	0	26.5
			77	0	21.7				86	0	11.9
			79	0	97.2				87	0	13.0
			57	0	16.5				84	0	6.3
			55	0	10.8				95	0	81.5
			53	0	58.9				167	0	22.5
			54	0	9.0				94	0	19.9
			Total	5	68.9				3	0	4.5
		Rundhe	27	0	81.0				Total	7	84.4
			28	0	4.5			Ravte	68	0	0.6
			30	0	2.3				67	0	25.5
			88	0	18.0				44	0	57.5
			84	0	60.0				58	0	50.0
			21	0	39.0				57	0	63.5
			22	0	16.5				47	0	6.0
			20	0	2.3				48	0	23.9
			88	0	49.5				49	0	11.5
			River	0	49.5				52	0	65.4
			Total	3	22.5				51	0	15.5
		Titvala	239	0	21.0				81	0	23.6
			246	0	32.0				91	0	2.2
			247	0	67.5				92	0	2.3
			Total	1	20.5				96	0	48.5
		Mahaskal	124	0	3.0				94	0	16.5
			125	0	31.5				98	0	30.0
			123	0	40.0				121	0	41.5
			122	0	22.5				120	0	0.1
			118	0	19.5				119	0	0.2
			117	0	32.3				122	0	28.5
			114	0	27.0				123	0	19.4
			113	0	60.0				132	0	35.5
			95	0	28.3				131	1	43.0
			106	0	3.8				135	0	3.0
			108	1	38.0				Total		713.5
			Total	4	5.8			Vaholi	70	0	22.5
		Ghotsai	34	0	72.0				68	0	63.5
			31	0	10.5				74	0	7.5
			32	0	2.3				75	0	13.5
			30	0	2.3				138	0	77.0
			33	0	45.0				61	0	28.5

1	2	3	4	5	6	1	2	3	4	5	6
Thane	Kalyan	Voholi	49	0	20.8	Thane	Kalyan	Amvivali-contd	25	0	22.5
			60	0	58.8				26	0	13.5
			59	0	13.8				21	0	37.5
			58	0	31.5				34	0	46.5
			136	0	75.6				38	0	5.3
			54	0	21.2				33	0	5.3
			55	0	5.0				39	0	6.8
			56	0	39.0				41	0	7.3
		Total	4	78.0					40	0	65.3
	Apti		72	0	20.3			Total	2	17.3	
			71	0	44.3			Jambul Mohli	55	0	43.5
			70	0	11.3				57	0	58.5
			69	0	37.5			Road	0	4.5	
			77	0	11.3				58	0	25.5
			76	0	6.8				53	0	85.2
			67	0	36.0				51	0	15.0
			79	0	15.0				50	0	2.5
			65	0	21.0				37	0	48.5
			41	0	1.5				38	1	28.0
			40	0	57.5			Total	4	11.2	
			42	0	3.8		Ulhasnagar	Chikholi	132	0	21.0
			38	0	39.0				131	0	34.5
			34	0	86.5				128	0	86.5
			80	0	24.0				126	0	2.3
		Total	4	15.5					127	0	15.0
	Vasant	River	0	60.0					129	0	73.5
	Sheloli		114	0	41.3			Road	0	7.5	
			118	0	0.5				143	0	4.5
			115	0	18.8				112	0	6.2
			116	0	37.5				111	0	4.9
		Khadi	0	22.5					5	0	40.5
			44	0	14.6				2	0	0.5
			43	0	45.4				3	0	24.0
			45	0	2.0				4	0	16.5
			59	0	27.0				13	0	43.5
			58	0	39.0				12	0	22.2
			53	0	1.5				15	0	15.0
			57	0	7.5				25	0	39.0
			55	0	28.5				28	0	18.8
			54	0	23.5				24	0	4.5
			52	0	16.5				29	0	18.8
			51	0	40.5				58	0	44.5
			50	0	37.5				57	0	30.5
		Total	4	64.0					56	0	55.5
	Ambivali		24	0	7.5				55	0	57.0
								Total	6	86.8	



1	2	3	4	5	6	1	2	3	4	5	6
Thane	Ulasnagar	Jambivali-cond	28	1	15.5	Thane	Ulhasnagar	Ambhe-contd	4	0	26.0
			17	1	15.5				1	0	8.7
			21	0	16.5				G P.L.	0	18.5
			25	0	6.8				71	0	38.5
			23	0	30.0				80	0	14.0
			40	0	75.0				78	0	11.2
			43	0	48.0				75	0	71.6
			42	1	20.0				Total	4	13.2
			38	0	69.5			Kharad	22	0	37.5
			37	0	88.0				23	0	3.0
			Total	6	84.8				24	0	21.0
		Kakaley	Pond	1	25.0				25	0	39.0
			20	0	10.5				26	0	28.5
			21	0	36.0				27	0	93.5
			22	0	35.3				Total	2	22.5
			26	0	2.3			Kushiwali	82	1	1.2
			Total	1	9.1				Total	0	1.01
Thane	Ulhasnagar	Bohonoli	11	0	59.25			Sakharoli	19	0	55.5
			10	0	6.75				18	0	79.5
			Total	0	66				15	0	50.3
		Shirawali	28	0	15				14	0	10.5
			31	0	46.5				10	0	41.3
			20	0	21				36	0	6.0
			29	0	15				39	1	5.0
			36	0	29.5				37	0	12.0
		Shirawali	52	0	30				38	0	15.8
			53	0	10.5				43	0	24.0
			51	0	22.5				45	0	45.0
			49	0	48.9				47	0	37.5
			48	0	1.5				Total	4	82.3
			41	0	29.5			Vadi	27	0	9.0
			Total	2	69.9				192	0	8.0
		Ambhe	28	0	6.6				191	0	33.0
			27	0	4.6				190	0	22.4
			26	0	33.5				188	0	22.2
			25	0	4.9				187	0	4.1
			34	0	33.5				186	0	53.3
			23	0	3.8				211	0	5.5
			21	0	26.5				210	0	21.0
			16	0	21.9				185	0	2.3
			17	0	27.6				Road	0	6.0
			19	0	10.7				144	0	11.3
			12	0	5.3				Total	1	98.0
			2	0	14.3						
			3	0	31.6						

नई दिल्ली, 11 फरवरी, 2002

का.आ. 697.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य के रायगढ़ जिले में हजीरा-उरान पाइपलाइन परियोजना से होकर प्राकृतिक गैस के परिवहन के लिए गैस अथॉरिटी ऑफ इण्डिया लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके नीचे उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग का अधिकार अर्जित किया जाना चाहिए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता की उपलब्ध कराए जाने की तारीख से डेक्कीम दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाने, उसमें उपयोग के अधिकार के अर्जन के संबंध में सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इण्डिया लिमिटेड, एम.एम.आर.डी.ए. बिल्डिंग, तीसरा तल, बान्द्रा कुर्ला कम्प्लेक्स, बान्द्रा (पूर्व) मुम्बई-400051 को आक्षेप लिखित रूप में भेज सकेगा।

## अनुसूची

जिल्ला	तहसील	गाँव	सर्वे नं.	क्षेत्रफल हेक्टेयर में
रायगढ	पानवेल	चोर्मे	26	0 2 3
			रोड़	0 3.0
			28	0 70.0
			25	0 7 5
			29	0 24.0
			30	0 25 5
			31	0 6 0
			32	0 61.5
			33	0 21 0
			44	0 3 0
			41	0 66 0
			42	0 18 0
			43	0 21.0
			13	0 24 0
			68	0 24 0
			36	0 25.5
			48	0 3.0
			49	0 21 0
			वादी	0 4 5
			50	0 15.0
			53	0 10.5
			52	0 9 0
			43	0 24.0
			कुल	4 89.3
		निताले	132	0 19.5
			129	0 43 5
			133	0 10.5
			127	0 25.5

1	2	3	4	5	6
रायगढ़	पानवेल	निताले	126	0	25.0
			135	0	42.8
			136	0	96.0
			94	0	18.0
			92	0	6.8
			91	0	26.5
			89	0	23.0
			138	1	55.5
			88	0	19.5
			86	0	10.5
			6	0	16.5
			5	0	0 5
			8	0	48 0
			10	0	60.0
			कुल	6	47.5
		वावान्जे	30	1	29.0
			14	0	57.0
			44	0	53.0
			35	0	7.5
			कुल	2	46.5
		महोदर	174	0	34.5
			163	0	10 5
			131	0	19.5
			164	0	16 5
			160	0	55.0
			144	0	10.5
			145	0	6.0
		सरकारी जमीन		0	60.5
			132	0	10 5
			133	0	54 4
			126	0	1.3
			127	0	6.0
			125	0	10.5
			124	0	22 5
			48	0	21.0
			49	0	19 5
			67	0	39 0
			65	1	16.5
			76	0	33.0
			कुल	5	47.1
		चिंघरन	रोड	0	12 0
			25	0	3.0
			26	0	60.3
			28	0	34.5
			29	0	41 3
			30	0	11.3
			31	0	40 5
			कुल	2	2.5
		महालुंगी	80	0	26.3
			60	0	57.8
			76	0	16.0
			रोड	0	4.5
			62	0	22 5

1	2	3	4	5	6	1	2	3	4	5	6
रायगढ़	पानवेल	महालुंगी	8	0	37.5	रायगढ़	पानवेल	बकाडी	रोड	0	3.0
			53	0	31.5				127	0	5.4
			22	0	5.3				130	0	15.0
			23	0	1.5				120	0	3.0
			38	0	19.5				131	0	89.0
			25	0	15.0				नदी	0	19.5
			24	0	4.5				कुल	4	13.7
			26	0	6.0			नेरे	नदी	0	15.0
			27	0	10.5				153	1	34.3
			29	0	19.5				143	0	4.5
		सरकारी जमीन		0	10.5				180	0	13.5
			30	0	34.5				161	0	9.8
			31	0	13.5				163	0	86.5
			14	0	87.0				18	0	33.0
			कुल	4	23.3				99	0	18.0
		खानव	95	1	51.5				104	0	39.0
			93	0	32.5				98	0	12.0
			92	0	22.5				रोड़	0	4.5
			91	0	43.6				96	0	28.5
			90	0	3.8				98	0	37.5
			96	0	21.1				सी.टी.	0	3.0
			87	0	36.8				50	0	45.0
			83	0	4.5				49	0	13.5
			78	0	4.5				कुल	4	97.5
			77	0	4.5			बिहिघर	20	0	60.0
			79	0	10.5				30	0	9.0
			75	0	13.5				36	0	43.5
			72	0	42.0				37	0	12.0
			67	0	67.5				33	0	24.0
			69	0	16.5				54	0	9.0
			65	0	16.5				55	0	24.0
			64	0	22.5				57	0	1.5
			56	1	9.5				60	0	12.0
			62	0	4.5				61	0	24.0
			51	0	5.3				63	0	9.0
			58	0	7.5				65	0	9.0
			57	0	1.5				64	0	3.0
		सी.टी.		0	6.0				69	0	5.3
			54	0	7.5				70	0	10.5
			55	0	19.5				71	0	3.8
			कुल	6	75.4				69	0	3.0
		बकाडी	17	0	28.5				68	0	10.5
			16	0	13.5				72	0	49.5
			15	0	51.0				कुल	3	22.5
			150	0	34.5			मोहो	14	0	16.5
			149	0	33.0				139	0	18.8
			153	0	1.5				15	0	45.0
			148	0	19.5				16	0	25.5
			139	0	25.5				136	0	75.0
			10	0	14.3				18	0	9.5
			138	0	15.8				19	0	22.5
			15	0	13.5				25	0	33.8
			134	0	23.8				सी.टी.	0	9.0
			135	0	4.5						

1	2	3	4	5	6	1	2	3	4	5	6
रायगढ	पानवेल	मोहो	42	0	10.5	रायगढ	पानवेल	कोन	9	0	31.9
			40	0	19.5				कुल	2	12.2
			39	0	22.5			कोल्हे	13	0	1.5
			59	0	21.0				14	0	2.3
			रोड	0	7.5				15	0	12.0
			61	0	14.3			रेलवे जमीन		0	61.5
			66	0	11.3			रोड		0	4.5
			64	0	18.0			30		0	0.8
			75	0	12.0			सरकारी जमीन		0	9.0
			76	0	25.5			खाडी		0	12.0
			77	0	19.6			6		0	48.0
			86	0	22.5			95		0	12.0
			81	0	7.5			कुल	1	63.5	
			85	0	22.5			देखाली	55	0	27.5
			82	0	39.0				54	0	31.5
			63	0	84.5			पावर लाइन		0	9.0
		चिरवाले	कुल	6	13.0			47		0	33.8
			33	0	72.0			52		0	3.8
			25	0	21.0			48		0	6.8
			26	0	64.5			51		0	1.5
			23	0	27.0			43		0	3.0
			46	0	38.3			42		0	4.5
			47	0	25.5			40		0	6.0
			48	0	22.5			33		0	21.0
			50	0	31.5			35		0	34.5
			49	0	8.3			रोड		0	3.0
			53	0	21.0			34		0	10.5
			54	0	30.0			32		0	3.8
			55	0	33.8			खाडी		0	13.0
			62	0	9.1			कुल	2	13.0	
			51	0	16.5			पालस्पेय	खाडी	0	9.0
			61	0	29.3				30	0	43.5
			60	0	25.5				22	0	42.0
		मी.टी.		0	3.0				18	0	64.5
			74	0	19.5				19	0	4.5
			75	0	49.6				17	0	12.0
			76	0	49.5				15	0	43.5
		खाडी		0	15.0				6	0	6.0
			91	0	9.0				7	0	81.0
			92	0	5.3			हाइवे		0	6.0
			93	0	49.0			93		0	57.0
			95	0	42.8			खाडी		0	4.5
			107	0	11.0			कुल	3	73.5	
			94	0	21.0						
			कुल	7	50.1						
	कोन	कैनाल		0	17.5						
			20	0	5.4						
			22	0	3.8						
			19	0	30.6						
			18	0	2.2						
			17	0	57.3						
			14	0	12.0						
			73	0	51.5						

[फाइल सं. 14014/24/01/जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 11th February, 2002

S.O. 697.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas through Hazira-Uran pipeline project in District Raighad of Maharashtra state, a pipeline should be laid by the Gas Authority of India Limited;

[फाइल सं. 14014/24/01/जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 11th February, 2002

S.O. 697.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas through Hazira-Uran pipeline project in District Raighad of Maharashtra state, a pipeline should be laid by the Gas Authority of India Limited;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein,

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, MMRDA Building, 3<sup>rd</sup> floor, Bandra Kurla Complex, Bandra (East), Mumbai-400051, Maharashtra.

#### SCHEDULE

District	Tehsil	Village	Survey No.	Area to be Acquired for ROU in hectare	
Raighad	Panvel	Chorme	26	0	2.3
			Road	0	3.0
			28	0	70.0
			25	0	7.5
			29	0	24.0
			30	0	25.5
			31	0	6.0
			32	0	61.5
			33	0	21.0
			44	0	3.0
			41	0	66.0
			42	0	18.0
			43	0	21.0
			13	0	24.0
			68	0	24.0
			36	0	25.5
			48	0	3.0
			49	0	21.0
			Vadi	0	4.5
			50	0	15.0
			53	0	10.5
			52	0	9.0
			43	0	24.0
			<b>Total</b>	<b>4</b>	<b>89.3</b>
Raighad	Panvel	Nitale	132	0	19.5
			129	0	43.5
			133	0	10.5
			127	0	25.5
			126	0	25.0
			135	0	42.8
			136	0	96.0
			94	0	18.0
			92	0	6.8
			91	0	26.5
			89	0	23.0
			138	1	55.5
			88	0	19.5
			86	0	10.5

1	2	3	4	5	6
Raighad	Panvel	Nitale—contd.	6	0	16.5
			5	0	0.5
			8	0	48.0
			10	0	60.0
			<b>Total</b>	<b>6</b>	<b>47.5</b>
Raighad	Panvel	Vavanje	30	1	29.0
			14	0	57.0
			44	0	53.0
			35	0	7.5
			<b>Total</b>	<b>2</b>	<b>46.5</b>
Raighad	Panvel	Mahodar	174	0	34.5
			163	0	10.5
			131	0	19.5
			164	0	16.5
			160	0	55.0
			144	0	10.5
			145	0	6.0
			Govt. Land	0	60.5
			132	0	10.5
			133	0	54.4
			126	0	1.3
			127	0	6.0
Raighad	Panvel	Chindran	125	0	10.5
			124	0	22.5
			48	0	21.0
			49	0	19.5
			67	0	39.0
			65	1	16.5
			76	0	33.0
			<b>Total</b>	<b>5</b>	<b>47.1</b>
			Road	0	12.0
			25	0	3.0
			26	0	60.3
			28	0	34.5
Raighad	Panvel	Mahalungi	29	0	41.3
			30	0	11.3
			31	0	40.5
			<b>Total</b>	<b>2</b>	<b>2.5</b>
			80	0	26.3
			60	0	57.8
			76	0	16.0
			Road	0	4.5
			62	0	22.5
			8	0	37.5
			53	0	31.5
			22	0	5.3
			23	0	1.5
			38	0	19.5
			25	0	15.0
			24	0	4.5
			26	0	6.0
			27	0	10.5
			29	0	19.5
			Govt.	0	10.5
			30	0	34.5
			31	0	13.5
			14	0	87.0
			<b>Total</b>	<b>4</b>	<b>23.3</b>

1	2	3	4	5	6	1	2	3	4	5	6
Raighad	Panvel	Khanav	95	1	51.5	Raighad	Panvel	Nere—Contd. Road		0	4.5
			93	0	32.5				96	0	28.5
			92	0	22.5				98	0	37.5
			91	0	43.6				C.T.	0	3.0
			90	0	3.8				50	0	45.0
			96	0	21.1				49	0	13.5
			87	0	36.8				<b>Total</b>	<b>4</b>	<b>97.5</b>
			83	0	4.5			Vihighar	20	0	60.0
			78	0	4.5				30	0	9.0
			77	0	4.5				36	0	43.5
			79	0	10.5				37	0	12.0
			75	0	13.5				33	0	24.0
			72	0	42.0				34	0	9.0
			67	0	67.5				35	0	24.0
			69	0	16.5				57	0	1.5
			65	0	16.5				60	0	12.0
			64	0	22.5				61	0	24.0
			56	1	9.5				63	0	9.0
			62	0	4.5				65	0	9.0
			51	0	5.3				64	0	3.0
			58	0	7.5				69	0	5.3
			57	0	1.5				70	0	10.5
			C.T.	0	6.0				71	0	3.8
			54	0	7.5				69	0	3.0
			55	0	19.5				68	0	10.5
			<b>Total</b>	<b>6</b>	<b>75.4</b>				72	0	49.5
		Vakadi	17	0	28.5				<b>Total</b>	<b>3</b>	<b>22.5</b>
			16	0	13.5				14	0	16.5
			15	0	51.0			Moho	139	0	18.8
			150	0	34.5				15	0	45.0
			149	0	33.0				16	0	25.5
			153	0	1.5				136	0	75.0
			148	0	19.5				18	0	9.5
			139	0	25.5				19	0	22.5
			10	0	14.3				25	0	33.8
			138	0	15.8				C.T.	0	9.0
			15	0	13.5				42	0	10.5
			134	0	23.8				40	0	19.5
			135	0	4.5				39	0	22.5
			Road	0	3.0				59	0	21.0
			127	0	5.4				Road	0	7.5
			130	0	15.0				61	0	14.3
			120	0	3.0				66	0	11.3
			131	0	89.0				64	0	18.0
			River	0	19.5				75	0	12.0
			<b>Total</b>	<b>4</b>	<b>13.7</b>				76	0	25.5
		Nere	River	0	15.0				77	0	19.6
			153	1	34.3				86	0	22.5
			143	0	4.5				81	0	7.5
			180	0	13.5				85	0	22.5
			161	0	9.8				82	0	39.0
			163	0	86.5				63	0	84.5
			18	0	33.0				<b>Total</b>	<b>6</b>	<b>13.0</b>
			99	0	18.0						
			104	0	39.0						
			98	0	12.0						

1	2	3	4	5	6	1	2	3	4.	5	6
Raighad	Panvel	Chikhale	33	0	72.0	Raighad	Panvel	Dervali—Contd.	51	0	1.5
			25	0	21.0				43	0	3.0
			26	0	64.5				42	0	4.5
			23	0	27.0				40	0	6.0
			46	0	38.3				33	0	21.0
			47	0	25.5				35	0	34.5
			48	0	22.5				Road	0	3.0
			50	0	31.5				34	0	10.5
			49	0	8.3				32	0	3.8
			53	0	21.0				Khadi	0	13.0
			54	0	30.0				Total	2	13.0
			55	0	33.8			Palaspey	Khadi	0	9.0
			62	0	9.1				30	0	43.5
			51	0	16.5				22	0	42.0
			61	0	29.3				18	0	64.5
			60	0	25.5				19	0	4.5
			C.T.	0	3.0				17	0	12.0
			74	0	19.5				15	0	43.5
			75	0	49.6				6	0	6.0
			76	0	49.5				7	0	81.0
		Chikhale	Khadi	0	15.0				Highway	0	6.0
			91	0	9.0				93	0	57.0
			92	0	5.3				Khadi	0	4.5
			93	0	49.0				Total	3	73.5
			95	0	42.8						
			107	0	11.0						
			94	0	21.0						
		Total		7	50.1						
		Kon	Canal	0	17.5						
			20	0	5.4						
			22	0	3.8						
			19	0	30.6						
			18	0	2.2						
			17	0	57.3						
			14	0	12.0						
			73	0	51.5						
			9	0	31.9						
		Total		2	12.2						
		Kolkhe		13	0	1.5					
				14	0	2.3					
				15	0	12.0					
		RLY Land		0	61.5						
		Road		0	4.5						
				30	0	0.8					
		Govt. Land		0	9.0						
		Khadi		0	12.0						
				6	0	48.0					
				95	0	12.0					
		Total		1	63.5						
		Dervali		55	0	27.5					
				54	0	31.5					
		Power line		0	9.0						
				47	0	33.8					
				52	0	3.8					
				48	0	6.8					

[File No. 14014/24/01/G.P.]

S.B. MANDAL, Under Secy.

नई दिल्ली, 13 फरवरी, 2002

का. आ. 698.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. 759 (अ) तारीख 07 अगस्त, 2001 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा तमिलनाडु राज्य में कुथालम जीजीएस से पीपीएन पॉवर प्लांट तक प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को 19 सितम्बर, 2001 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त सुझावों पर विचार कर लिया है और उन्हें अनुज्ञात कर दिया है;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त

शक्तियों का प्रयोग करते हुए, निदेश देती है कि भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख से, केन्द्रीय सरकार में निहित होने के बजाए सभी विल्लगमों से मुक्त गैस अथॉरिटी ऑफ इंडिया लिमिटेड में निहित होगा।

### अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	क्षेत्रफल (हेक्टेयर में)	
1	2	3	4	5	6
नागापट्टिनम	मइलाडू- धुरई	52, क्षेत्राबाला- पुरम्	114-2	0.03.0	G.P.
			113-1B	0.01.5	
			113-1C	0.06.5	
			128	0.03.0	G.P.
			117	0.00.5	G.P.
			127	0.21.0	G.P.
			125	0.03.5	
			126	0.02.0	
			129.3	0.09.0	
			190.4	0.00.5	G.P.
			190.5	0.04.0	G.P.
			190.8	0.01.0	G.P.
			191.3	0.06.0	
			194.3A	0.03.5	
			194.1A	0.10.0	
			196-1A	0.02.5	
			196-1B	0.07.5	
			196.2	0.05.5	
			197	0.02.0	
			215-3	0.00.5	
			216-1	0.13.0	
			216-2	0.13.0	
			217	0.02.0	
			218-2	0.03.5	
			220-1	0.08.0	
			220-2	0.07.0	
			221	0.20.0	
			222-1A	0.09.0	
			222-1B	0.13.5	
			223-1	0.02.0	G.P.
			223-2	0.02.0	G.P.
			224-1B1	0.15.5	
			224-1B2	0.00.5	
			224-2	0.00.5	
			224-3	0.06.0	
			225	0.19.0	
			233-1	0.09.5	
			233-2A	0.06.5	
			232	0.01.0	
			250	0.16.5	
			255-1	0.09.0	
			255-5	0.09.5	
			255-2	0.07.0	G.P.
			255-3	0.03.5	
			256-1	0.06.0	
			256-2	0.04.0	

1	2	3	4	5	6
नागापट्टिनम	मइलाडू- धुरई	52, क्षेत्राबाला- पुरम्—जारी	256-3	0.07.0	
			256-4	0.03.5	
			244-1	0.04.5	
			372	0.03.0	G.P.
			371-1	0.03.0	
			371-3	0.04.0	
			371-2	0.08.0	
			371-4	0.20.0	
			379-5	0.01.0	
			380-1	0.09.0	
			380-2A	0.05.5	
			380-5	0.02.0	
			430-9A	0.13.5	
			430-14	0.01.5	G.P.
			431-2	0.02.5	
			429-1	0.10.0	
			429-2	0.07.5	
			429-3	0.03.0	
			429-4B	0.03.5	
			429-4A	0.00.5	
			439	0.02.5	
			440-1	0.21.0	
			440-2	0.16.5	
			387	0.06.5	
			कुल	4.59.0	
		कुट्टलम	488	0.27.0	
			489	0.00.5	
			कुल	0.27.5	
		69, थोजूथलगुडी	2-1	0.08.5	
			2-2A	0.06.0	
			2-3	0.05.0	
			3-1	0.01.0	
			3-2	0.03.0	
			4-1	0.10.0	
			4-2B	0.08.5	
			4-2C	0.09.0	
			4-3	0.03.0	
			कुल	0.54.0	
		अनाई	395-23	0.01.0	
		मेल्लगसम	395-21	0.02.0	
			395-25	0.02.0	
			395-26	0.06.5	
			395-27	0.02.0	
			395-28	0.03.5	
			395-29	0.05.0	
			395-46	0.00.5	
			395-30	0.04.5	
			395-31	0.08.0	
			395-32	0.02.5	
			395-33	0.01.5	
			395-49	0.03.5	
			395-53	0.03.5	
			395-54	0.13.5	



1	2	3	4	5	6	1	2	3	4	5	6
नागापट्टिनम	मइलाडू-	अनाई	395-57	0.02.5		नागापट्टिनम	मइलाडू-	अनाई	337-4B	0.05.0	
	थुरई	मेलागरम—जारी	395-58	0.05.5			थुरई	मेलागरम—जारी	337-5A	0.05.0	
			395-59	0.09.5					337-5B	0.01.5	
			395-60	0.00.5					337-6	0.04.5	
			395-61	0.01.0					336-2A	0.10.0	
			393-1	0.03.5 G.P.					336-2B	0.08.0	
			393-8	0.01.5					347	0.02.5 G.P.	
			408	0.01.5					348-6	0.00.5	
			368-1	0.14.0					348-7	0.06.0	
			368-2A	0.03.5					कुल	4.06.0	
			368-2B	0.03.5				68, अशिकाडू	29-1	0.03.0	
			368-3	0.03.5					29-2A1	0.03.0	
			369	0.01.0 G.P.					29-2A2	0.04.5	
			370	0.10.5					29-2B	0.07.5	
			371-1	0.06.5					29-3A1	0.03.5	
			371-2A	0.06.5					29-3A2	0.09.0	
			371-2B	0.06.5					29-3B1	0.01.0	
			372-1A	0.06.5					28-4B	0.00.5	
			372-1B	0.03.5					30-2A	0.03.0	
			372-1C	0.02.0					30-2B	0.08.0	
			372-2	0.13.5					30-4A2	0.08.5	
			325	0.01.0 G.P.					30-4A3	0.05.0	
			326-1	0.09.5					31-7	0.03.0	
			326-2	0.06.0					कुल	0.59.5	
			327-1A	0.03.5				67, मण्डियूर	116	0.04.0 G.P.	
			327-1B	0.04.0					117-5	0.09.0	
			327-2	0.02.5					117-3	0.01.0 G.P.	
			327-3	0.10.0					119-1	0.07.5	
			327-4A1	0.01.5					118	0.05.5 G.P.	
			328-4A2	0.01.0					134	0.01.0 G.P.	
			327-4B	0.01.5					133-3	0.00.5	
			328-1	0.01.5					135	0.02.0 G.P.	
			328-2A	0.02.5					136-1	0.15.5	
			343	0.21.0 G.P.					136-3	0.07.5	
			345-2	0.00.5					137-1	0.03.0 G.P.	
			345-3	0.01.0					137-2	0.02.5	
			345-4	0.02.5					140-1	0.00.5	
			344-1	0.02.5					140-2	0.08.0	
			344-2	0.05.0					139-1	0.16.5	
			342-1	0.03.5					139-2	0.01.5	
			342-2	0.06.5					139-3	0.01.0	
			341	0.31.5					141	0.03.0 G.P.	
			340-2	0.00.5					230	0.01.5 G.P.	
			340-3A	0.05.5					229-2	0.05.5	
			340-3B1	0.05.5					229-3	0.01.5	
			340-3B2	0.04.0					229-4	0.03.5	
			339-1A2	0.04.0					229-5	0.08.0	
			339-1B	0.04.5					229-6	0.08.5	
			339-1C	0.05.5					232-2A	0.02.5	
			339-1D	0.10.5					232-2B	0.02.0	
			338-2	0.07.0					232-3	0.04.5	
			338-4	0.07.5					232-4	0.05.0	
			338-6B	0.08.0					232-5	0.06.0	
			338-8	0.07.0							
			337-4A	0.04.5							

1	2	3	4	5	6	1	2	3	4	5	6
नागापट्टिनम	मडलाडू- थुरई	67, मराइयूर	233-1	0.02.0	G.P.	नागापट्टिनम	मडलाडू- थुरई	66, कोवानगुडी	258-1A1	0.12.5	
			233-2	0.01.0					258-1A2	0.12.5	
			233-3	0.06.5					112	0.01.5	G.P.
			233-4	0.04.5					113	0.19.0	
			234-2	0.04.0					114	0.23.0	
			234-3	0.04.5					115	0.14.0	
			234-4	0.07.00					116	0.12.0	
			235-1B	0.06.0					117	0.18.0	
			235-2B	0.03.0					118	0.12.0	
			236-1B	0.10.0					119	0.11.5	
			236-1C	0.15.0					120	0.02.0	
			224	0.01.5	G.P.				109	0.21.5	
			259-1	0.07.5					122	0.04.5	
			259-2	0.03.0					123	0.02.0	G.P.
			259-3	0.07.0					<b>कुल</b>	<b>2.67.5</b>	
			259-4	0.08.5				64, अगारा- किरणगुडी	1-1	0.03.0	G.P.
			258-1	0.05.5					1-3	0.01.5	G.P.
			258-5A	0.04.5					1-4	0.04.0	G.P.
			258-3	0.12.0					11-4A	0.18.0	
			257A-2	0.11.0					11-4B	0.02.5	
			257A-3	0.08.5					12-2	0.03.0	
			257A-4	0.02.0					13	0.02.0	G.P.
			294-1	0.03.5	G.P.				15	0.03.0	G.P.
			294-2	0.01.0	G.P.				17-1A	0.03.0	
			257B	0.01.0					17-1B	0.09.0	
			256-2	0.03.0					25	0.01.0	G.P.
			256-3	0.03.0					32-1A	0.04.5	
			256-1	0.00.5					32-1B	0.05.5	
			256-4	0.14.0					32-1C	0.12.5	
			256-5	0.05.0					33-1	0.03.0	
			255-1	0.03.0					33-2	0.09.5	
			255-2	0.07.5					33-3	0.06.5	
			274	0.01.5	G.P.				38	0.03.5	G.P.
			278-7B	0.04.5					47-1	0.12.0	
			279-1	0.27.0					47-2	0.06.0	
			286	0.02.	G.P.				46	0.12.0	
			<b>कुल</b>	<b>3.49.0</b>					45	0.18.0	
		66, कोवानगुडी	263-1	0.07.0					40-1	0.01.5	G.P.
			263-3	0.21.5					40-2C	0.03.5	
			263-6B	0.09.5					41-2	0.25.0	
			263-7	0.01.0					41-1	0.00.5	G.P.
			263-8	0.04.0					42-2	0.04.0	
			263-9	0.01.0					218-1A	0.05.0	
			263-10	0.01.0					218-1B	0.06.0	
			263-11	0.03.0					218-2	0.13.0	
			263-12	0.04.5					218-3	0.08.5	
			263-13	0.01.0					220	0.01.5	G.P.
			267-1B	0.00.5					228-3	0.02.5	
			266-1A	0.02.0					217-6	0.09.5	
			261-1B	0.15.0					217-7	0.11.0	
			261-2B	0.14.0					217-8	0.01.0	
			261-3A	0.00.5					217-10	0.10.0	
			261-3B	0.01.0	G.P.				216	0.04.0	G.P.
			261-3C1	0.05.5					229-2	0.00.5	
			261-3C2	0.09.5							

1	2	3	4	5	6	1	2	3	4	5	6
नागापट्टिनम	मइलाडू- थुरई	64, अगारा- किरनगुडी	212	0.26.0		नागापट्टिनम	मइलाडू- थुरई	62, कोडानगुडी	111-4A1	0.05.0	
			194	0.22.0					111-4A2	0.03.0	
			195	0.19.5					111-4B1	0.01.5	
			196	0.36.5					111-4B2	0.01.5	
			197	0.22.0					111-5A	0.01.5	
			198	0.22.0					111-6	0.01.0	
			171	0.01.5	G.P.				111-7	0.00.5	
			175	0.17.5					126-2	0.07.0	
			174	0.02.0					127-3	0.01.5	
			173	0.31.0					127-4	0.05.0	
			163	0.13.5					127-2C	0.08.5	
			164	0.02.5	G.P.				127-5	0.04.5	G.P.
			कुल	4.66.0					74	0.01.5	G.P.
		62, कोडानगुडी	201	0.00.5					76/3	0.11.0	
			202-1A1	0.17.5					76-6A	0.02.5	
			202-1B1	0.14.5					77-2B	0.05.0	
			202.1B2	0.03.0					77-3	0.03.0	
			200-3	0.17.0					77-4	0.02.0	
			203-1	0.00.5					77-5	0.03.0	
			199	0.02.5	G.P.				77-11A	0.05.5	
			198-1A	0.09.0					77-11B	0.06.0	
			198-1B	0.09.0					78-2	0.00.5	
			198-1C	0.08.5					78-3	0.06.0	
			197-1	0.07.5					78-4B	0.06.5	
			197-2A	0.03.0					78-5	0.05.5	
			197-2B	0.03.5					70-1	0.08.0	
			197-3	0.03.0					70-2	0.13.0	
			197-4	0.04.5					70-6	0.01.5	
			197-5	0.06.5					70-7A	0.01.5	
			197-6B	0.05.0					70-7B	0.00.5	
			192-2	0.23.5					71-10	0.00.5	
			191-1	0.13.0					69	0.03.5	G.P.
			191-2	0.12.0					67-9	0.08.0	
			190	0.03.5	G.P.				कुल	4.49.0	
			124-1	0.07.5				26, एन्नावासल	243-1	0.12.0	
			124-2	0.05.5					243-3A	0.05.5	
			124-3	0.04.5					243-3B	0.09.5	
			124-4	0.04.5					243-4	0.00.5	G.P.
			124-6	0.17.5					241-1	0.01.0	
			116-1	0.18.0					241-2	0.00.5	
			116-2A	0.10.0					218-3	0.06.5	
			116-2B	0.10.5					218-4A	0.07.5	
			116-4	0.00.5					218-4B	0.08.0	
			115-1	0.07.0					218-5	0.01.0	G.P.
			115-2	0.08.0					218-6A	0.16.0	
			115-3	0.16.0					217-10	0.04.5	
			112-1	0.01.0	G.P.				217.8	0.05.0	
			112-2	0.03.0					217-9A	0.05.5	
			112-3A	0.04.0					217-9B	0.08.5	
			112-3B	0.01.0					217-7D	0.01.0	
			112-4	0.12.0					213-3	0.06.0	
			112-5	0.00.5	G.P.				213-4	0.03.0	
			112-6	0.07.0					213-2	0.04.0	
			111-1	0.06.0					213-5	0.08.0	
			111-2	0.02.0							
			111-3	0.01.0							

1	2	3	4	5	6	1	2	3	4	5	6
नागापट्टिनम	थारानगमबडी	26, एन्नावासल	213-1B	0.00.5		नागापट्टिनम	थारानगमबडी	26, एन्नावासल	14	0.38.5	
			210-6	0.01.0 G.P.					12-1	0.09.0	
			210-2	0.15.0					12-2	0.07.0	
			210-4	0.10.0					12-3A	0.10.0	
			210-5A	0.06.0					12-3B	0.06.0	
			210-5B	0.08.0					9-1	0.02.0	
			211	0.03.0 G.P.					9-2	0.07.5	
			178-4C	0.12.0					9-3	0.03.0	
			179-1A1	0.03.5					9-4	0.04.0	
			179-1A2	0.14.0					9-5	0.04.5	
			179-1A3	0.16.5					9-6A	0.04.0	
			180-1	0.25.0					9-6B	0.06.0	
			181-1	0.13.5					9-6C	0.04.0	
			181-2	0.11.0					6	0.03.0 G.P.	
			183-1	0.22.0					4-1	0.18.5	
			91-1	0.03.0 G.P.					5-1	0.14.0	
			92-1	0.16.0					5-2	0.04.5	
			92-2	0.09.0					5-4	0.10.0	
			92-3	0.09.0					5-5	0.03.0	
			93-1	0.04.0					5-6	0.06.0	
			93-2	0.09.5					5-8	0.08.0	
			93-6A	0.11.5 G.P.					1	0.03.0 G.P.	
			93-7B	0.01.0					220-14C	0.00.5	
			93-11	0.01.5 G.P.					220-17	0.01.5	
			81-1	0.00.5					220-15	0.02.0	
			81-6	0.01.5					220-16	0.01.5	
			81-7	0.01.5					220-14A	0.02.0	
			81-8	0.00.5					220-13	0.01.0	
			81-9	0.06.0					220-2A	0.05.0	
			81-10	0.01.0					220-1	0.00.5	
			81-11	0.01.0					220-2B	0.03.5	
			81-30	0.00.5					220-2C	0.04.0	
			81-31	0.00.5					220-3	0.03.0	
			81-32	0.01.0					कुल	6.78.0	
			81-35	0.01.0				27, मेमाथुर	157-1	0.01.5 G.P.	
			81-36	0.00.5					157-2	0.10.0	
			81-41	0.01.0					157-3	0.14.0	
			81-45	0.00.5					157-5	0.27.5	
			81-60	0.00.5					155-2	0.00.5	
			81-61	0.00.5					154	0.02.5 G.P.	
			81-62	0.00.5					143	0.08.0	
			81-63	0.00.5					142/1A	0.01.5	
			81-66	0.00.5					142/1B	0.23.5	
			81-67	0.00.5					142/2B	0.00.5	
			81-65	0.02.0					142/2C	0.10.5	
			44	0.31.0					144/1	0.16.0 G.P.	
			76	0.01.0 G.P.					203/1	0.13.5	
			23-1	0.42.0					203/3	0.03.0	
			17-1	0.12.0					204/3	0.01.5	
			17-2	0.03.0					204/4	0.03.0	
			17-3	0.00.5					204/5	0.00.5	
			17-4	0.00.5					204/8	0.04.0	
			17-6	0.05.0					204/9	0.03.5	
			17-7	0.11.0					204/10	0.06.0	
			17-8	0.11.0							

1	2	3	4	5	6	1	2	3	4	5	6
नागापट्टिनम	थारनगमबडी	27, मेमाथुर	204/12	0.03.0		नागापट्टिनम	थारनगमबडी	28, कीलमाथुर	160/1B	0.04.0	
			204/13	0.03.5					160/1C	0.14.0	
			205	0.12.5					163/1C	0.07.0	
			207	0.03.0	G.P.				163/1D2	0.05.5	
			211/1A	0.02.0					163/1B2	0.06.5	
			211/1B	0.02.5					162/1	0.05.0	
			211/2	0.03.5					164/1A	0.00.5	
			211/3	0.00.5					164/2A	0.17.5	
			211/4	0.03.5					165/2A	0.13.5	
			211-5A	0.03.0					166/2A	0.13.0	
			211-6	0.05.0					138/1	0.02.0	
			211-7	0.03.0					143/1	0.09.0	
			211-9	0.05.0					143/2B	0.06.0	
			211-10	0.00.5					143/2C	0.08.0	
			212	0.02.0	G.P.				143/2D	0.11.0	
			225/2	0.02.0					143/3B	0.05.5	
			225/3	0.02.0					143/3C	0.07.5	
			225/4	0.01.5					143/6B	0.04.0	
			225/5	0.02.0					142/2C	0.03.5	
			225/6	0.04.0					142/2D	0.09.5	
			225/9	0.02.0					142/4B	0.08.5	
			225/10	0.01.5					142/4C	0.05.0	
			225/12	0.02.0					141/2A	0.01.0	
			225/15	0.17.0					141/2B	0.05.0	
			225/17	0.00.5					141/5	0.07.0	
			225/18	0.00.5					141/8A	0.05.5	
			224/2	0.00.5					141/8B	0.02.5	
			224/5	0.00.5					141/8C	0.03.0	
			224/6	0.30.0					141/11A	0.00.5	
			224/7	0.02.5					141/11B	0.00.5	
			224/12	0.02.5					141/12	0.05.5	
			224/14	0.05.0					140	0.01.0	G.P.
			224/15	0.05.5					84/6A1	0.01.5	
			224-17	0.09.0					84/6A2	0.02.0	
			221/1	0.08.0					84/6A3	0.01.5	
			221/2	0.10.0					84/6A4	0.05.0	
			220/1A	0.08.5					84/15A	0.02.5	
			220/1B	0.07.0					84/15C	0.02.5	
			220/2A	0.00.5					84/10B	0.03.0	
			220/2B	0.01.5					84/10C	0.05.0	
			219/7B	0.03.5					84/14	0.04.0	
			219/8	0.09.0					85/1B	0.06.5	
			218/9	0.06.5					85/1C	0.06.5	
			219/12	0.01.5					85/3B	0.07.5	
			218/8	0.04.5					85/4	0.05.5	
			218/9	0.09.0					88/5	0.02.5	
			238	0.01.5	G.P.				88/3C	0.02.0	
			237/7	0.02.5					88/6B	0.03.5	
			239/1	0.10.5					88/7B	0.08.0	
			239/2	0.03.0					88/11	0.02.5	
			239/4A	0.15.0					88/12	0.03.0	
			कुल	3.96.0					88/9	0.16.5	
		28, कीलमाथुर	174	0.03.0	G.P.				89/1A	0.14.5	
			159/1	0.19.0							
			159/2	0.03.5							
			160/1A1	0.01.5							
			160/1A2	0.15.0							

1	2	3	4	5	6	1	2	3	4	5	6
नागापट्टिनम	थारानगमबडी	28, कीलमाथुर (जारी)	89/1B 89/2 90 कुल	0.08.0 0.05.5 0.01.0 जी.पी. 3.59.5		नागापट्टिनम	थारानगमबडी	38, किल्लियूर (जारी)	51/6 51/7 51/10 51/11 51/12ए 51/12बी 50 49 44/1 44/4 44/5 43/1 43/2 55 कुल	0.03.0 0.08.5 0.03.5 0.04.0 0.02.5 0.01.0 0.04.5 जी.पी. 0.03.0 जी.पी. 0.02.5 0.05.0 0.05.5 0.20.0 0.01.0 0.01.5 जी.पी. 4.92.0	
		38, किल्लियूर	208 207 209 211/2 221/1 221/2 220 216/1 217/2 218 155/2 155/4 154 120 121/1 118 116/1 117/3 113 115/1 114 111/1 255 103 101 100 99/1ए 99/1बी 99/3ए 99/3बी 98/1ए 98/1बी 98/2 93/7 93/8 93/9ए 92/2 92/3 67 63/1 63/2 63/8ए 63/8बी 57 52/1 52/2 52/3 52/4 51/2बी 51/4 51/5	0.01.0 जी.पी. 0.16.0 0.08.0 0.26.5 0.29.0 0.03.5 0.03.5 जी.पी. 0.18.5 0.17.5 0.19.0 0.01.5 जी.पी. 0.03.0 0.02.5 जी.पी. 0.22.5 0.00.5 0.05.5 जी.पी. 0.26.0 0.00.5 0.02.0 0.00.5 0.30.0 0.16.0 0.23.5 0.20.5 0.20.5 0.13.0 0.01.5 0.05.5 0.07.5 0.01.0 0.06.5 0.07.0 0.06.5 0.09.0 0.07.5 0.07.0 0.07.5 0.03.5 0.01.5 जी.पी. 0.03.0 0.05.0 0.02.0 0.00.5 0.01.0 जी.पी. 0.01.5 0.01.5 0.01.0 0.00.5 0.06.0 0.02.0 0.00.5			37, टी. मनेलमेडू	220/4 224/1 224/2 224/3ए 225/1 225/2 225/3A 223/3 223/4 215/1ए 215/2 212/1 212/2 211 213 160 161 162 163 165 181/1 166/2 167/2 168/1 168/2 169 170 105/4 104 98/1 98/2ए 98/3 98/2सी 98/6 103/2सी 103/6 101/1 101/2 65/1	0.03.5 0.22.5 0.06.5 0.03.5 0.00.5 0.05.0 0.00.5 0.03.0 0.01.0 0.00.5 0.00.5 जी.पी. 0.32.0 0.01.0 जी.पी. 0.07.0 0.18.5 0.01.5 जी.पी. 0.21.5 0.12.0 0.22.0 0.01.0 जी.पी. 0.13.0 0.00.5 0.18.5 0.01.0 0.32.0 0.09.0 0.30.0 0.13.0 0.01.0 जी.पी. 0.00.5 0.07.0 0.03.0 0.06.0 0.01.5 0.04.0 0.03.0 0.06.0 0.13.5 0.02.5 जी.पी.		

1	2	3	4	5	6	1	2	3	4	5	6
नागापट्टिनम	थारनगमबडी	37, टी. मनेलमेडू	60	0.01.0		नागापट्टिनम	थारनगमबडी	32, पिल्लई-	442	0.22.0	
		—जारी	61	0.32.0				पेरुपाल-नालूर	440/1	0.21.0	
			62/1	0.00.5				(जारी)	440/2	0.05.0	
			55/1	0.05.0					445/2A	0.13.0	
			55/2	0.05.5					260/1	0.21.0	
			100/1	0.03.5					260/3	0.13.0	
			100/2	0.17.5					443/2	0.00.5	
			47/ए	0.09.0					258/1	0.00.5	
			कुल	4.02.5					कुल	2.49.0	
	31, थिरिकाडायूर		245	0.01.5							
			571/3	0.01.5 जी.पी.							
			571/4	0.06.0 जी.पी.							
			571/5	0.23.5 जी.पी.							
			571/7	0.03.5 जी.पी.							
			247	0.05.0							
			248	0.03.5							
			249/1	0.04.0							
			249/2	0.01.5							
			256	0.04.5							
			252/1	0.25.5							
			252/2	0.28.0							
			252/3ए	0.00.5							
			252/3बी	0.03.5							
			436	0.04.0 जी.पी.							
			438/1	0.05.0							
			440/1	0.20.5							
			443	0.15.5							
			491	0.02.0 जी.पी.							
			487/6	0.32.5							
			486/3	0.29.5							
			485/2	0.10.5							
			482/1	0.04.5							
			482/3	0.05.0							
			482/6	0.06.5							
			482/7	0.06.0							
			कुल	2.62.5							
	32, पिल्लई		466	0.08.5							
	पेरुपाल-नालूर		467-1	0.01.0							
			467-2	0.00.5							
			465	0.02.5 जी.पी.							
			460/2	0.30.0							
			461	0.04.5							
			459/1	0.09.0							
			459/2	0.03.0							
			459/5	0.05.5							
			459/6	0.04.0							
			455/4	0.11.0							
			456/3	0.01.0							
			456/4	0.04.0							
			457/3	0.00.5							
			457/4	0.01.5							
			457/5	0.17.0							
			448/2	0.34.5							
			447/1ए	0.15.0							

1	2	3	4	5	6	1	2	3	4	5	6
Nagapattinam	Mayiladu-	52, Kshetra-	125	0.03.5		Nagapattinam	Mayiladu-	52, Kshetra-	429-1	0 10.0	
	thurai	balapuram	126	0.02.0			thurai	balapuram	429-2	0.07.5	
(Contd.)	(Contd.)	(Contd.)	129.3	0.09.0		(Contd.)	(Contd.)	(Contd.)	429-3	0.03.0	
			190.4	0.00.5 G.P.					429-4B	0.03.5	
			190.5	0.04.0 G.P.					429-4A	0.00.5	
			190.8	0.01.0 G.P.					439	0 02.5	
			191.3	0.06.0					440-1	0.21.0	
			194.3A	0.03.5					440-2	0.16.5	
			194.1A	0.10.0					387	0.06.5	
			196-1A	0.02.5				38, Kuttalam	488	0.27.0	
			196-1B	0.07.5					489	0.00.5	
			196.2	0.05.5					<b>Total</b>	<b>0.27.5</b>	
			197	0.02.0				69, Thozhutha-	2-1	0.08.5	
			215-3	0.00.5				langudi	2-2A	0.06.0	
			216-1	0.13.0					2-3	0.05.0	
			216-2	0.13.0					3-1	0.01.0	
			217	0.02.0					3-2	0.03.0	
			218-2	0.03.5					4-1	0 10.0	
			220-1	0.08.0					4-2B	0.08.5	
			220-2	0.07.0					402C	0 09.0	
			221	0.20.0					4-3	0.03.0	
			222-1A	0.09.0					<b>Total</b>	<b>0.54.0</b>	
			222-1B	0.13.5				58, Anaimela-	395-23	0 01.0	
			223-1	0.02.0 G.P.				garam	395-21	0.02.0	
			223-2	0.02.0 G.P.					395-25	0.02.0	
			224-1B1	0.15.5					395-26	0.06.5	
			224-1B2	0.00.5					395-27	0.02.0	
			224-2	0.00.5					395-28	0.03.5	
			224-3	0.06.0					395-29	0.05.0	
			225	0.19.0					395-46	0.00.5	
			233-1	0.09.5					395-30	0.04.5	
			233-2A	0.06.5					395-31	0.08.0	
			232	0.01.0					395-32	0.02.5	
			250	0.16.5					395-33	0.01.5	
			255-1	0.09.0					395-49	0.03.5	
			255-5	0 09.5					395-53	0.03.5	
			255-2	0.07.0 G.P.					395-54	0.13.5	
			255-3	0.03.5					395-57	0.02.5	
			256-1	0.06.0					395-58	0.05.5	
			256-2	0.04.0					395-59	0.09.5	
			256-3	0.07.0					395-60	0.00.5	
			256-4	0.03.5					395-61	0.01.0	
			244-1	0.04.5					393-1	0.03.5 G.P.	
			372	0 03.0 G.P.					393-8	0.01.5	
			371-1	0.03.0					408	0.01.5	
			371-3	0.04.0					368-1	0.14.0	
			371-2	0.08.0					368-2A	0.03.5	
			371-4	0.20.0					368-2B	0.03.5	
			379-5	0.01.0					368-3	0.03.5	
			380-1	0.09.0					369	0.01.0 G.P.	
			380-2A	0.05.5					370	0.10.5	
			380-5	0.02.0					371-1	0.06.5	
			430-9A	0.13.5					371-2A	0.06.5	
			430-14	0.01.5 G.P.					371-2B	0.06.5	
			431-2	0.02.5					372-1A	0.06.5	



1	2	3	4	5	6	1	2	3	4	5	6
Nagapattinam Mayiladu-	58, Anaimela-	372-1B	0.03.5			Nagapattinam Mayiladu-	68, Asikadu	30-2B	0.08.0		
thurai	garam	372-1C	0.02.0			(Contd.)	thurai	(Contd.)	30-4A2	0.08.5	
(Contd.)	(Contd.)	(Contd.)	372-2	0.13.5			(Contd.)		30-4A3	0.05.0	
			325	0.01.0	G.P.				31-7	0.03.0	
			326-1	0.09.5					<b>Total</b>	<b>0.59.5</b>	
			326-2	0.06.0			67, Maraiyur	116	0.04.0	G.P.	
			327-1A	0.03.5				117-5	0.09.0		
			327-1B	0.04.0				117-3	0.01.0	G.P.	
			327-2	0.02.5				119-1	0.07.5		
			327-3	0.10.0				118	0.05.5	G.P.	
			327-4A1	0.01.5				134	0.01.0	G.P.	
			327-4A2	0.01.0				133-3	0.00.5		
			327-4B	0.01.5				135	0.02.0	G.P.	
			328-1	0.01.5				136-1	0.15.5		
			328-2A	0.02.5				136-3	0.07.5		
			343	0.21.0	G.P.			137-1	0.03.0	G.P.	
			345-2	0.00.5				137-2	0.02.5		
			345-3	0.01.0				140-1	0.00.5		
			345-4	0.02.5				140-2	0.08.0		
			344-1	0.02.5				139-1	0.16.5		
			344-2	0.05.0				139-2	0.01.5		
			342-1	0.03.5				139-3	0.01.0		
			342-2	0.06.5				141	0.03.0	G.P.	
			341	0.31.5				230	0.01.5	G.P.	
			340-2	0.00.5				229-2	0.05.5		
			340-3A	0.05.5				229-3	0.01.5		
			340-3B1	0.05.5				229-4	0.03.5		
			340-3B2	0.04.0				229-5	0.08.0		
			339-1A2	0.04.0				229-6	0.08.5		
			339-1B	0.04.5				232-2A	0.02.5		
			339-1C	0.05.5				232-2B	0.02.0		
			339-1D	0.10.5				232-3	0.04.5		
			338-2	0.07.0				232-4	0.05.0		
			338-4	0.07.5				232-5	0.06.0		
			338-6B	0.08.0				233-1	0.02.0	G.P.	
			338-8	0.07.0				233-2	0.01.0		
			337-4A	0.04.5				233-3	0.06.5		
			337-4B	0.05.0				233-4	0.04.5		
			337-5A	0.05.0				234-2	0.04.0		
			337-5B	0.01.5				234-3	0.04.5		
			337-6	0.04.5				234-4	0.07.0		
			336-2A	0.10.0				235-1B	0.06.0		
			336-2B	0.08.0				235-2B	0.03.0		
			347	0.02.5	G.P.			236-1B	0.10.0		
			348-6	0.00.5				236-1C	0.15.0		
			348-7	0.06.0				224	0.01.5	G.P.	
			<b>Total</b>	<b>4.06.0</b>				259-1	0.07.5		
	68, Asikadu	29-1	0.03.0					259-2	0.03.0		
		29-2A1	0.03.0					259-3	0.07.0		
		29-2A2	0.04.5					259-4	0.08.5		
		29-2B	0.07.5					258-1	0.05.5		
		29-3A1	0.03.5					258-5A	0.04.5		
		29-3A2	0.09.0					258-3	0.12.0		
		29-3B1	0.01.0					257A-2	0.11.0		
		28-4B	0.00.5								
		30-2A	0.03.0								

1	2	3	4	5	6	1	2	3	4	5	6
Nagapattinam	Mayiladu- thurai	67, Maraiyur	257A-3	0.08.5		Nagapattinam	Mayiladu- thurai	64, Agara- kirangudy-contd	12-2	0.03.0	
			257A-4	0.02.0					13	0.02.0	G.P.
			294-1	0.03.5	G.P.				15	0.03.0	G.P.
			294-2	0.01.0	G.P.				17-1A	0.03.0	
			257B	0.01.0					17-1B	0.09.0	
			256-2	0.03.0					25	0.01.0	G.P.
			256-3	0.03.0					32-1A	0.04.5	
			256-1	0.00.5					32-1B	0.05.5	
			256-4	0.14.0					32-1C	0.12.5	
			256-5	0.05.0					33-1	0.03.0	
			255-1	0.03.0					33-2	0.09.5	
			255-2	0.07.5					33-3	0.06.5	
			274	0.01.5	G.P.				38	0.03.5	G.P.
			278-7B	0.04.5					47-1	0.12.0	
			279-1	0.27.0					47-2	0.06.0	
			286	0.02.0	G.P.				46	0.12.0	
			Total	3.49.0					45	0.18.0	
		66, Kovangudy	263-1	0.07.0					40-1	0.01.5	G.P.
			263-3	0.21.5					40-2C	0.03.5	
			263-6B	0.09.5					41-2	0.25.0	
			263-7	0.01.0					41-1	0.00.5	G.P.
			263-8	0.04.0					42-2	0.04.0	
			263-9	0.01.0					218-1A	0.05.0	
			263-10	0.01.0					218-1B	0.06.0	
			263-11	0.03.0					218-2	0.13.0	
			263-12	0.04.5					218-3	0.08.5	
			263-13	0.01.0					220	0.01.5	G.P.
			267-1B	0.00.5					228-3	0.02.5	
			266-1A	0.02.0					217-6	0.09.5	
			261-1B	0.15.0					217-7	0.11.0	
			261-2B	0.14.0					217-8	0.01.0	
			261-3A	0.00.5					217-10	0.10.0	
			261-3B	0.01.0	G.P.				216	0.04.0	G.P.
			261-3C1	0.05.5					229-2	0.00.5	
			261-3C2	0.09.5					212	0.26.0	
			258-1A1	0.12.5					194	0.22.0	
			258-1A2	0.12.5					195	0.19.5	
			112	0.01.5	G.P.				196	0.36.5	
			113	0.19.0					197	0.22.0	
			114	0.23.0					198	0.22.0	
			115	0.14.0					171	0.01.5	G.P.
			116	0.12.0					175	0.17.5	
			117	0.18.0					174	0.02.0	
			118	0.12.0					173	0.31.0	
			119	0.11.5					163	0.13.5	
			120	0.02.0					164	0.02.5	G.P.
			109	0.21.5					Total	4.66.0	
			122	0.04.5				62, Kodangudi	201	0.00.5	
			123	0.02.0	G.P.				202-1A1	0.17.5	
			Total	2.67.5					202-1B1	0.14.5	
			1-1	0.03.0	G.P.				202-1B2	0.03.0	
			1-3	0.01.5	G.P.				200-3	0.17.0	
			1-4	0.04.0	G.P.				203-1	0.00.5	
Nagapattinam	Mayiladu- thurai	64, Agara- kirangudy	11-4A	0.18.0					199	0.02.5	G.P.
			11-4B	0.02.5					198-1A	0.09.0	

1	2	3	4	5	6	1	2	3	4	5	6
Nagapattinam	Mayiuladu-	62, Kodangudi	198-1B	0.09.0		Nagapattinam	Mayiuladu-	62, Kodangudi	77-11B	0.06.0	
	thurai		198-1C	0.08.5			thurai		78-2	0.00.5	
			197-1	0.07.5					78-3	0.06.0	
			197-2A	0.03.0					78-4B	0.06.5	
			197-2B	0.03.5					78-5	0.05.5	
			197-3	0.03.0					70-1	0.08.0	
			197-4	0.04.5					70-2	0.13.0	
			197-5	0.06.5					70-6	0.01.5	
			197-6B	0.05.0					70-7A	0.01.5	
			192-2	0.23.5					70-7B	0.00.5	
			191-1	0.13.0					71-10	0.00.5	
			191-2	0.12.0					69	0.03.5	G.P.
			190	0.03.5	G.P.				67-9	0.08.0	
			124-1	0.07.5					<b>Total</b>	<b>4.49.0</b>	
			124-2	0.05.5		Nagapattinam	Tharan-	26, Annavasal	243-1	0.12.0	
			124-3	0.04.5			gambadi		243-3A	0.05.5	
			124-4	0.04.5					243-3B	0.09.5	
			124-6	0.17.5					243-4	0.00.5	G.P.
			116-1	0.18.0					241-1	0.01.0	
			116-2A	0.10.0					241-2	0.00.5	
			116-2B	0.10.5					218-3	0.06.5	
			116-4	0.00.5					218-4A	0.07.5	
			115-1	0.07.0					218-4B	0.08.0	
			115-2	0.08.0					218-5	0.01.0	G.P.
			115-3	0.16.0					218-6A	0.16.0	
			112-1	0.01.0	G.P.				217-10	0.04.5	
			112-2	0.03.0					217.8	0.05.0	
			112-3A	0.04.0					217-9A	0.05.5	
			112-3B	0.01.0					217-9B	0.08.5	
			112-4	0.12.0					217-7D	0.01.0	
			112-5	0.00.5	G.P.				213-3	0.06.0	
			112-6	0.07.0					213-4	0.03.0	
			111-1	0.06.0					213-2	0.04.0	
			111-2	0.02.0					213-5	0.08.0	
			111-3	0.01.0					213-1B	0.00.5	
			111-4A1	0.05.0					210-6	0.01.0	G.P.
			111-4A2	0.03.0					210-2	0.15.0	
			111-4B1	0.01.5					210-4	0.10.0	
			111-4B2	0.01.5					210-5A	0.06.0	
			111-5A	0.01.5					210-5B	0.08.0	
			111-6	0.01.0					211	0.03.0	G.P.
			111-7	0.00.5					178-4C	0.12.0	
			126-2	0.07.0					179-1A1	0.03.5	
			127-3	0.01.5					179-1A2	0.14.0	
			127-4	0.05.0					179-1A3	0.16.5	
			127-2C	0.08.5					180-1	0.25.0	
			127-5	0.04.5	G.P.				181-1	0.13.5	
			74	0.01.5	G.P.				181-2	0.11.0	
			76/3	0.11.0					183-1	0.22.0	
			76-6A	0.02.5					91-1	0.03.0	G.P.
			77-2B	0.05.0					92-1	0.16.0	
			77-3	0.03.0					92-2	0.09.0	
			77-4	0.02.0					92-3	0.09.0	
			77-5	0.03.0					93-1	0.04.0	
			77-11A	0.05.5					93-2	0.09.5	

1	2	3	4	5	6	1	2	3	4	5	6
Nagapattinam Tharan	26, Annavasal	93-6A	0.11.5	G.P.		Nagapattinam Tharan	26, Annavasal	1	0.03 0	G.P.	
		93-7B	0.01 0					220-14C	0.00.5		
		93-11	0.01.5	G.P.				220-17	0.01.5		
		81-1	0.00 5					220-15	0.02 0		
		81-6	0.01 5					220-16	0.01.5		
		81-7	0.01 5					220-14A	0.02.0		
		81-8	0.00 5					220-13	0.01 0		
		81-9	0.06 0					220-2A	0.05.0		
		81-10	0.01.0					220-1	0.00.5		
		81-11	0.01.0					220-2B	0.03 5		
		81-30	0.00 5					220-2C	0.04 0		
		81-31	0.00.5					220-3	0.03.0		
		81-32	0.01 0					<b>Total</b>	<b>6.78.0</b>		
		81-35	0.01 0				27, Memathur	157-1	0.01.5	G.P.	
		81-36	0.00 5					157-2	0.10 0		
		81-41	0.01.0					157-3	0.14.0		
		81-45	0.00.5					157-5	0.27 5		
		81-60	0.00 5					155-2	0.00.5		
		81-61	0.00 5					154	0.02.5	G.P.	
		81-62	0.00 5					143	0.08.0		
		81-63	0.00 5					142/1A	0.01 5		
		81-66	0.00.5					142/1B	0.23.5		
		81-67	0.00 5					142/2B	0.00 5		
		81-65	0.02 0					142/2C	0.10.5		
		44	0.31 0					144/1	0.16.0	G.P.	
		76	0.01.0	G.P.				203/1	0.13 5		
		23-1	0.42.0					203/3	0.03.0		
		17-1	0.12.0					204/3	0.01.5		
		17-2	0.03.0					204/4	0.03.0		
		17-3	0.00.5					204/5	0.00 5		
		17-4	0.00.5					204/8	0.04 0		
		17-6	0.05 0					204/9	0.03.5		
		17-7	0.11 0					204/10	0.06.0		
		17-8	0.11.0					204/12	0.03.0		
		14	0.38 5					204/13	0.03.5		
		12-1	0.09.0					205	0.12.5		
		12-2	0.07.0					207	0.03 0	G.P.	
		12-3A	0.10 0					211/1A	0.02.0		
		12-3B	0.06.0					211/1B	0.02.5		
		9-1	0.02.0					211/2	0.03.5		
		9-2	0.07.5					211/3	0.00 5		
		9-3	0.03.0					211/4	0.03.5		
		9-4	0.04.0					211-5A	0.03 0		
		9-5	0.04.5					211-6	0.05 0		
		9-6A	0.04 0					211-7	0.03.0		
		9-6B	0.06.0					211-9	0.05.0		
		9-6C	0.04.0					211-10	0.00 5		
		6	0.03.0	G.P.				212	0.02 0	G.P.	
		4-1	0.18 5					225/2	0.02.0		
		5-1	0.14.0					225/3	0.02.0		
		5-2	0.04.5					225/4	0.01.5		
		5-4	0.10.0					225/5	0.02.0		
		5-5	0.03.0					225/6	0.04.0		
		5-6	0.06.0					225/9	0.02 0		
		5-8	0.08.0					225/10	0.01.5		

1	2	3	4	5	6	1	2	3	4	5	6		
Nagapattinam Tharan-gambadi	27, Memathur	225/12	0.02.0			Nagapattinam Tharan-gambadi	28, Keelmathur	142/2D	0.09.5				
		225/15	0.17.0					142/4B	0.08.5				
		225/17	0.00.5					142/4C	0.05.0				
		225/18	0.00.5					141/2A	0.01.0				
		224/2	0.00.5					141/2B	0.05.0				
		224/5	0.00.5					141/5	0.07.0				
		224/6	0.30.0					141/8A	0.05.5				
		224/7	0.02.5					141/8B	0.02.5				
		224/12	0.02.5					141/8C	0.03.0				
		224/14	0.05.0					141/11A	0.00.5				
		224/15	0.05.5					141/11B	0.00.5				
		224/17	0.09.0					141/12	0.05.5				
		221/1	0.08.0					140	0.01.0	G.P.			
		221/2	0.10.0					84/6A1	0.01.5				
		220/1A	0.08.5					84/6A2	0.02.0				
		220/1B	0.07.0					84/6A3	0.01.5				
		220/2A	0.00.5					84/6A4	0.05.0				
		220/2B	0.01.5					84/15A	0.02.5				
		219/7B	0.03.5					84/15C	0.02.5				
		219/8	0.09.0					84/10B	0.03.0				
		218/9	0.06.0					84/10C	0.05.0				
		219/12	0.01.5					84/14	0.04.0				
		218/8	0.04.5					85/1B	0.06.5				
		218/9	0.09.0					85/1C	0.06.5				
		238	0.01.5	G.P.				85/3B	0.07.5				
		237/7	0.02.5					85/4	0.05.5				
		239/1	0.10.5					88/5	0.02.5				
		239/2	0.03.0					88/3C	0.02.0				
		239/4A	0.15.0					88/6B	0.03.5				
		Total	3.96.0					88/7B	0.08.0				
		28, Keelmathur	174	0.03.0	G.P.					88/11	0.02.5		
				159/1	0.19.0					88/12	0.03.0		
				159/2	0.03.5					88/9	0.16.5		
				160/1A1	0.01.5					89/1A	0.14.5		
				160/1A2	0.15.0					89/1B	0.08.0		
				160/1B	0.04.0					89/2	0.05.5		
				160/1C	0.14.0					90	0.01.0	G.P.	
				163/1C	0.07.0					Total	3.59.5		
				163/1D2	0.05.5					208	0.01.0	G.P.	
				163/1B2	0.06.5					207	0.16.0		
				162/1	0.05.0					209	0.08.0		
				164/1A	0.00.5					211/2	0.26.5		
				164/2A	0.17.5					221/1	0.29.0		
				165/2A	0.13.5					221/2	0.03.5		
				166/2A	0.13.0					220	0.03.5	G.P.	
				138/1	0.02.0					216/1	0.18.5		
				143/1	0.09.0					217/2	0.17.5		
				143/2B	0.06.0					218	0.19.0		
				143/2C	0.08.0					155/2	0.01.5	G.P.	
				143/2D	0.11.0					155/4	0.03.0		
				143/3B	0.05.5					154	0.02.5	G.P.	
				143/3C	0.07.5					120	0.22.5		
				143/6B	0.04.0					121/1	0.00.5		
				142/2C	0.03.5					118	0.05.5	G.P.	
										116/1	0.26.0		

1	2	3	4	5	6	1	2	3	4	5	6
Nagapattinam Tharan-gambadi	38, Killiyur	117/3	0.00.5			Nagapattinam Thara-gambadi	37, Manelmedv	223/3	0.03.0		
		113	0.02.0					223/4	0.01.0		
		115/1	0.00.5					215/1A	0.00.5		
		114	0.30.0					215/2	0.00.5 G.P.		
		111/1	0.16.0					212/1	0.32.0		
		255	0.23.5					212/2	0.01.0 G.P.		
		103	0.20.5					211	0.07.0		
		101	0.20.5					213	0.18.5		
		100	0.13.0					160	0.01.5 G.P.		
		99/1A	0.01.5					161	0.21.5		
		99/1B	0.05.5					162	0.12.0		
		99/3A	0.07.5					163	0.22.0		
		99/3B	0.01.0					165	0.01.0 G.P.		
		98/3A	0.06.5					181/1	0.13.0		
		98/1B	0.07.0					166/2	0.00.5		
		98/2	0.06.5					167/2	0.18.5		
		93/7	0.09.0					168/1	0.01.0		
		93/8	0.07.5					168/2	0.32.0		
		93/9A	0.07.0					169	0.09.0		
		92/2	0.07.5					170	0.30.0		
		92/3	0.03.5					105/4	0.13.0		
		67	0.01.5 G.P.					104	0.01.0 G.P.		
		63/1	0.03.0					98/1	0.00.5		
		63/2	0.05.0					98/2A	0.07.0		
		63/8A	0.02.0					98/3	0.03.0		
		63/8B	0.00.5					98/2C	0.06.0		
		57	0.01.0 G.P.					98/6	0.01.5		
		52/1	0.01.5					103/2C	0.04.0		
		52/2	0.01.5					103/6	0.03.0		
		52/3	0.01.0					101/1	0.06.0		
		52/4	0.00.5					101/2	0.13.5		
		51/2B	0.06.0					65/1	0.02.5 G.P.		
		51/4	0.02.0					60	0.01.0		
		51/5	0.00.5					61	0.32.0		
		51/6	0.03.0					62/1	0.00.5		
		51/7	0.08.5					55/1	0.05.0		
		51/10	0.03.5					55/2	0.05.5		
		51/11	0.04.0					100/1	0.03.5		
		51/12A	0.02.5					100/2	0.17.5		
		51/12B	0.01.0					47/A	0.09.0		
		50	0.04.5 G.P.					<b>Total</b>	<b>4.02.5</b>		
		49	0.03.0 G.P.			Nagapattinam Thara-gambadi	31, Thirukka-daiyur	245	0.10.5		
		44/1	0.02.5					571/3	0.01.5 G.P.		
		44/4	0.05.0					571/4	0.06.0 G.P.		
		44/5	0.05.5					571/5	0.23.5 G.P.		
		43/1	0.20.0					571/7	0.03.5 G.P.		
		43/2	0.01.0					247	0.05.0		
		55	0.01.5 G.P.					248	0.03.5		
		Total	4.92.0					249/1	0.04.0		
Nagapattinam Thara-gambadi	37, Manelmedv	220/4	0.03.5					249/2	0.01.5		
		224/1	0.22.5					256	0.04.5		
		224/2	0.06.5					252/1	0.25.5		
		224/3A	0.03.5					252/2	0.28.0		
		225/1	0.00.5					252/3A	0.00.5		
		225/2	0.05.0					252/3B	0.03.5		
		225/3A	0.00.5								

1	2	3	4	5	6
Nagapattinam Thara-gambadi	31, Thirukkadaiyur	436	0.04.0	G.P.	
		438/1	0.05.0		
		440/1	0.20.5		
		443	0.15.5		
		491	0.02.0	G.P.	
		487/6	0.32.5		
		486/3	0.29.5		
		485/2	0.10.5		
		482/1	0.04.5		
		482/3	0.05.0		
		482/6	0.06.5		
		482/7	0.06.0		
		<b>Total</b>	<b>2.62.5</b>		
Nagapattinam Thara-gambadi	32, Pillaiperumalnallur	466	0.08.5		
		467-1	0.01.0		
		467-2	0.00.5		
		465	0.02.5	G.P.	
		460/2	0.30.0		
		461	0.04.5		
		459/1	0.09.0		
		459/2	0.03.0		
		459/5	0.05.5		
		459/6	0.04.0		
		455/4	0.11.0		
		456/3	0.01.0		
		456/4	0.04.0		
		457/3	0.00.5		
		457/4	0.01.5		
		457/5	0.17.0		
		448/2	0.34.5		
		447/1A	0.15.0		
		442	0.22.0		
		440/1	0.21.0		
		440/2	0.05.0		
		445/2A	0.13.0		
		260/1	0.21.0		
		260/3	0.13.0		
		443/2	0.00.5		
		258/1	0.00.5		
		<b>Total</b>	<b>2.49.0</b>		

[File No. 14014/17/01-G P.]

S.B. MANDAL, Under Secy.

नई दिल्ली, 13 फरवरी, 2002

का.आ. 699.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में काण्डला-समाखैरी पाइपलाइन परियोजना तक तरल पेट्रोलियम गैस के परिवहन लिए, गैस अथॉरिटी ऑफ इण्डिया लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रति साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार के अर्जन या भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, द्वितीय तल, दर्पण बिल्डिंग, आर.सी.दत्त रोड, वडोदरा-39005 को लिखित रूप में आक्षेप भेज सकेगा।

## अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	क्षेत्रफल हेक्टेयर में
कच्छ	भचाड	छांडवाडा	845	0.1800
			486	0.2260
			<b>कुल</b>	<b>0.4060</b>

[फाइल सं.-एल-14014/36/01-पी.पी. भाग-II]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 13th February, 2002

S.O. 699.—Whereas it appears to the Central Government that it is necessary in the public interest for the transportation of Liquefied Petroleum Gas through Kandla-Samakhari pipeline project in the State of Gujarat, a pipeline should be laid by the Gas Authority of India Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to the notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification as published in the Gazette of India are made available to the general public object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, 2nd Floor, Darpan Building, R.C. Dutt Road, Vadodra-390005.

## SCHEDULE

District	Tehsil	Town/Village	Survey/Number	Area in hectare
Kachchh	Bhachau	Chandwala	845	0.1800
			486	0.2260
			<b>Total</b>	<b>0.4060</b>

[F. No L-14014/36/01-G.P. Part-II]

S.B. MANDAL, Under Secy.

**श्रम मंत्रालय**

नई दिल्ली, 4 फरवरी, 2002

**का.आ. 700.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ बिकानेर एंड जयपुर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या 1/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-12-2002 को प्राप्त हुआ था।

[सं. एल-12012/129/99-आई.आर.-(बी-आई)]

अजय कुमार, डेस्क अधिकारी

**MINISTRY OF LABOUR**

New Delhi, the 4th February, 2002

**S.O. 700.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1/2000) of the Central Government Industrial Tribunal cum Labour Court, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Bikaner, Jaipur and their workman, which was received by the Central Government on 01-02-2002.

[No. L-12012/129/99-IR(B.-I)]

AJAY KUMAR, Desk Officer

**अनुबन्ध**

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर।

प्रकरण संख्या :—1/2000

आदेश संख्या :—एल-12012/129/99/आई.आर. (बी-1) 16-12-99

प्रभातीलाल मीणा पुत्र श्रीनारायण मीणा ग्राम चावण्ड का मण्ड, पोस्ट सायपुरा, जिला जयपुर। —प्रार्थी

**बनाम**

1. ब्रांच मैनेजर, स्टेट बैंक ऑफ बिकानेर एण्ड जयपुर, चौड़ा रास्ता, ब्रांच जयपुर।
2. मैनेजिंग डायरेक्टर, स्टेट बैंक ऑफ बिकानेर एण्ड जयपुर, तिलक मार्ग, सी-स्कीम, जयपुर। —अप्रार्थीगण

उपस्थित :—

प्रार्थी की ओर से	श्री बी.एल. गुप्ता
अप्रार्थीगण की ओर से	श्री अनुराग अग्रवाल
पंचाट दिनांक	20/12/2001

**पंचाट**

केन्द्रीय सरकार के द्वारा निम्न विवाद औद्योगिक विवाद अधिनियम, 1947 (जिसे बाद में अधिनियम कहा गया है) की धारा

10 की उपधारा 1 के खण्ड-घ के प्रावधानों के अन्तर्गत उक्त आदेश के जरिए न्याय निर्णयन हेतु निर्देशित किया गया :—

“whether the action of the management of State Bank of Bikaner & Jaipur, Jaipur in discontinuing the services of Shri Prabhati Lal Meena S/o Shri Narayan Meena w.e.f. 1-5-1998 after rendering services from 16-10-75 as Plumber is just and Legal. If not, to what relief is Shri Prabhati Lal Meena entitled to ?”

प्राथी की ओर से स्टेटमेंट ऑफ क्लेम प्रस्तुत किया गया जिसमें उल्लेख किया गया कि अप्रार्थी संख्या-2 के अधीन अप्रार्थी संख्या 1 के यहां चतुर्थ श्रेणी कर्मचारी/प्लम्बर के स्थाई पद रिक्त होने के कारण उसकी नियुक्ति दिनांक 16-10-75 को 300/- रुपये माहवार पर की गई व उक्त तिथि से निरन्तर दिनांक 30/4/98 तक अप्रार्थी संख्या-1 के अधीन कार्य करता रहा। अप्रार्थी संख्या-2 के द्वारा प्रार्थी को बिना कोई कारण बताए दिनांक 1/5/98 से कार्य पर न लेकर सेवा से पृथक कर दिया। उसने प्रत्येक वर्ष में 240 दिन से अधिक कार्य किया था लेकिन सेवा समाप्ति से पूर्व न तो उसे 1 माह का नोटिस दिया गया न नोटिस वेतन न छंटनी का मुआवजा। उसकी सेवा समाप्ति के समय उससे कनिष्ठ चतुर्थ श्रेणी/प्लम्बर कार्यरत थे लेकिन उन्हें सेवा से पृथक नहीं किया गया व ना कोई वरिष्ठता सूची ही जारी की गई। उसकी सेवा समाप्ति के पश्चात् चतुर्थ श्रेणी कर्मचारी/प्लम्बर के पद पर नई नियुक्ति दी गई परन्तु उसे कार्य करने का अवसर नहीं दिया गया। इस प्रकार उसकी सेवा समाप्ति अधिनियम की धारा 25-एफ, जी, एच व औद्योगिक विवाद (केन्द्रीय) नियम, 1957 (जिसे बाद में नियम 1957 कहा गया है) के नियम-77 का उल्लंघन कर की गई। प्रार्थना की गई कि उसे सेवा से पृथक करने का मौखिक आदेश दिनांक 1-5-98 निरस्त किया जाए व उसे पुनः सेवा में बहाल किया जाए। उसकी सेवा में निरन्तरता कायम रखी जाए तथा सेवा में बहाल करने तक की अवधि का वेतन व अन्य समस्त लाभ दिलाए जाए।

अप्रार्थीगण की ओर से जवाब में प्रारम्भिक आपत्तियां की गई कि क्लेम में शाखा प्रबन्धक आदि को पक्षकार बनाया गया है जबकि विपक्षी बैंक का अपना कानूनी अस्तित्व है, जिसके विरुद्ध कानूनी कार्यवाही की जा सकती है। अतः आवश्यक पक्षकारों के सुसंयोजन के आधार पर क्लेम खारिज होने योग्य है। प्रार्थी ने अनुबन्ध के अनुसार कार्य किया है जिसका भुगतान उसने बिना किसी एतराज के प्राप्त कर लिया है, अतः अधिनियम के प्रावधान लागू नहीं होते। प्रार्थी बैंक का स्थाई व अस्थायी कर्मचारी नहीं रहा, अतः उस पर बैंक कर्मचारी के लिए लागू सेवा शर्तें/नियम/अवार्ड/समझौते लागू नहीं होते। प्रार्थी को विशिष्ट कार्य हेतु ठेके पर अनुबन्धित किया गया था। प्रार्थी बैंक का स्थाई अथवा अस्थायी कर्मचारी नहीं रहा, अतः निर्देश आदेश इस कारण निरस्तनीय है। निर्देश आदेश विधि के प्रावधानों के अनुसार चलने योग्य नहीं है। अधिनियम की धारा 2(ओओ)(बीबी) के प्रावधानों के अनुसार भी क्लेम खारिज होने योग्य है। प्रार्थी ने किसी भी वर्ष में 240 दिन कार्य नहीं किया। क्लेम के खण्डानुसार जवाब में उल्लेख किया गया कि प्रार्थी को बैंक द्वारा दिनांक 16/10/75 को या अन्य किसी दिनांक को चतुर्थ श्रेणी कर्मचारी/प्लम्बर के पद पर कोई नियुक्ति नहीं दी गई। प्रार्थी विपक्षी बैंक की एस.एम.एस. शाखा में समय-समय पर पानी की समस्त टंकियों की सफाई, नल की मरम्मत इत्यादि करने का कार्य



300/- रुपये प्रतिमाह के हिसाब से ठेके पर करता था। इसके लिए उसने समय-समय पर विपक्षी बैंक में आवेदन प्रस्तुत किया। प्रार्थी ने दिनांक 16-10-75 से 30-4-98 तक लगातार कार्य नहीं किया। प्रार्थी को दिनांक 1-5-98 को कार्य पर इंकार करने का प्रश्न नहीं उठता। प्रार्थी साप्ताहिक रूप से 2-4 दिन कार्य करता था। प्रार्थी की छंटनी नहीं की गई। विपक्षी संस्थान में पलम्बर का कोई पद नहीं है।

पक्षकारों के अभिकथनों के आधार पर निम्नलिखित विवाद बिन्दु बन गए :—

- (1) आया प्रार्थी को अप्रार्थी संख्या-1 के यहां पर चतुर्थ श्रेणी कर्मचारी (पलम्बर) के पद पर दिनांक 16-10-75 को नियुक्त किया गया व उसने दिनांक 30-4-98 तक निरन्तर अप्रार्थी संख्या-1 के अधीन कार्य किया ;
- (2) आया क्लेम जिस जोइन्डर ऑफ नैसेसिरी पार्टी के आधार पर खारिज किए जाने योग्य है ;
- (3) आया प्रार्थी को अप्रार्थी संख्या-1 के द्वारा विशिष्ट कार्य हेतु ठेके पर अनुबंधित किया गया था व औद्योगिक विवाद अधिनियम 1947 की धारा 2(ओओ) (बीबी) के प्रावधानों के अनुसार प्रार्थी का क्लेम चलने योग्य नहीं है ;
- (4) आया निर्देश विधि के प्रावधानों के अनुसार चलने योग्य नहीं है ;
- (5) आया प्रार्थी को सेवा समाप्ति अप्रार्थी के द्वारा औद्योगिक विवाद अधिनियम 1947 की धारा 25-एफ.जी. का उल्लंघन कर की गई है ;
- (6) आया प्रार्थी की सेवामुक्ति के समय अप्रार्थी के द्वारा कोई वरियता सूची नहीं बनाई गई ;
- (7) प्रार्थी किस सहायता को प्राप्त करने का अधिकारी है ?

क्लेम के समर्थन में प्रार्थी की ओर से स्वयं का शपथ-पत्र व दुलीचंद व निर्मल कुमार के शपथ-पत्र प्रस्तुत किए गए जिन पर प्रतिपरीक्षा करने का अवसर अप्रार्थीगण के विद्वान अधिवक्ता को दिया गया। प्रार्थी की ओर से प्रलेखीय साक्ष्य में प्रतिलिपि प्रमाण-पत्र प्रदर्श-1 डब्ल्यू, प्रतिलिपि वाउचर प्रदर्श डब्ल्यू-2, प्रतिलिपि प्रार्थना-पत्र प्रदर्श डब्ल्यू-3, प्रतिलिपि ज्ञापन प्रदर्श डब्ल्यू-4 से लेकर 7 प्रस्तुत की गई। अप्रार्थी की ओर से साक्ष्य में एस.एस. मेहता व डी. सेन के शपथ-पत्र प्रस्तुत किए गए जिन पर प्रतिपरीक्षा करने का अवसर प्रार्थी के अधिवक्ता को दिया गया। प्रलेखीय साक्ष्य में अप्रार्थीगण की ओर से प्रतिलिपि प्रार्थना-पत्र प्रदर्श एम-1 से एम-8, एम-9 व उनके साथ संलग्न वाउचर प्रस्तुत किए गए।

बहस सुनी गई एवं पत्रावली का अवलोकन किया गया।

विवाद बिन्दुओं का विनिश्चय निम्न प्रकार किया जाता है :—

**बिन्दु संख्या 1 :**—प्रार्थी का कथन है कि अप्रार्थी संख्या-2 के अधीन अप्रार्थी संख्या-1 के यहां पलम्बर के स्थाई रिक्त पद पर उसकी

नियुक्ति 16-10-75 को 300/- रुपये माहवार पर की गई थी। उसने उक्त पद पर दिनांक 30-4-98 तक निरन्तर कार्य किया। दुलीचंद बड़जात्या, सेवानिवृत्त हैड कैशियर एवं निर्मल कुमार जैन तत्कालीन, सहायक प्रबन्धक ने उसके कथनों का समर्थन करते हुए अपने बयान दिए हैं। प्रार्थी ने विपक्षी संस्थान में दिनांक 16-10-75 से पलम्बर के पद पर कार्य किया, का समर्थन प्रमाण-पत्र प्रदर्श डब्ल्यू-1 से होता है जिसमें प्रमाणित किया गया है कि प्रार्थी ने दिनांक 16-10-75 से 16-3-76 तक 153 दिन अस्थाई रूप से 300/- रुपये माहवार पर कार्य किया। ज्ञापन प्रदर्श डब्ल्यू-4 में प्रार्थी के द्वारा दिनांक 16-1-76 से 14-2-76 तक 30 दिन की अवधि हेतु उसकी अस्थाई नियुक्ति में वृद्धि किए जाने का उल्लेख है। ज्ञापन प्रदर्श डब्ल्यू-5 में उसे पुनः दिनांक 16-2-76 से 16-3-76 तक 30 दिन के लिए उसकी नियुक्ति अवधि में वृद्धि किए जाने का उल्लेख है। उक्त ज्ञापनों से यह प्रकट होता है कि प्रार्थी को एक निश्चित अवधि हेतु नियुक्त किया गया जो कि दिनांक 16/3/76 को समाप्त हो गई। प्रार्थी ने स्वीकार किया है कि उसकी उपस्थिति, उपस्थिति रजिस्टर में दर्ज नहीं होती थी। प्रार्थी की ओर से ज्ञापन प्रदर्श डब्ल्यू-6 प्रस्तुत किया गया है, जिसमें उल्लेख किया गया है कि उसके प्रार्थनापत्र दिनांक 29-12-81 के संदर्भ में उसे सफाई, फीटर/पलम्बर संविदा के आधार पर 6 महीने की अवधि हेतु दिनांक 1-2-82 से 300/- रुपये माहवार पर नियुक्त किया जाता है। उक्त ज्ञापन में यह भी उल्लेख है कि यह पानी व सेनेटरी फिटिंग्स की मरम्मत व रख-रखाव का कार्य देखेगा एवं बैंक परिसर में स्थित पानी की टंकियों की सप्ताह में 1 दिन सफाई करेगा व प्रतिदिन प्रातः पानी व सेनेटरी फिटिंग्स की जांच करेगा व उनकी तुरन्त मरम्मत करेगा व सभी कार्य दिवसों में उपस्थित होगा, यह आश्वासन करने हेतु की पानी व सेनेटरी फिटिंग्स का कार्य सुचारू रूप से हो रहा है। यह नियुक्ति उसके आवेदन प्रदर्श एम-1 दिनांक 29-12-81 के संदर्भ में दी गई है जिसमें उसने उक्त कार्य ठेके पर लिए जाने की प्रार्थना की थी। ज्ञापन दिनांक 27-11-82 प्रदर्श डब्ल्यू-7 के द्वारा उसकी संविदा की अवधि ज्ञापन प्रदर्श डब्ल्यू-6 में वर्णित शर्तों के आधार पर 21-1-82 तक बढ़ाई गई है। उक्त ज्ञापनों से प्रकट होता है कि प्रार्थी ने दिनांक 1-2-82 से 21-1-83 तक सफाई फिटिंग्स/पलम्बर का विपक्षी संस्थान में कार्य किया। उसने उक्त ज्ञापन में वर्णित अवधि दिनांक 21-1-83 तक निश्चित अवधि हेतु कार्य किया। दिनांक 21-1-83 के पश्चात् अप्रैल, 97 की अवधि के बीच में प्रार्थी के द्वारा विपक्षी संस्थान में कार्य किए जाने की बाबत कोई प्रलेखीय साक्ष्य प्रार्थी की ओर से प्रस्तुत नहीं की गई। अप्रार्थी की ओर से विपक्षी संस्थान में कार्य करने की बाबत प्रार्थी द्वारा प्रस्तुत प्रार्थना प्रस्तुत किया गया, जिसमें उसने विपक्षी संस्थान में कार्य किए जाने का उल्लेख कर मजदूरी का भुगतान किए जाने की प्रार्थना की है, जिनके आधार पर प्रार्थी को भुगतान किया गया है। प्रार्थना-पत्र दिनांक 3-6-97 प्रदर्श एम-2 में प्रार्थी ने उल्लेख किया है कि उसने मई माह में टंकियों की सफाई का कार्य किया जिसकी 300/- रुपये मजदूरी दिलाई जाए। प्रार्थना-पत्र प्रदर्श एम-3 दिनांक 2-7-97 में प्रार्थी ने उल्लेख किया है कि उसने बैंक की शाखा कार्यालय की पानी की टंकी का सफाई का कार्य प्रत्येक रविवार को जून माह में किया जिसके 300/- रुपये दिलाए जाए। प्रार्थना-पत्र प्रदर्श एम-4 में प्रार्थी ने उल्लेख किया है कि उसने माह अगस्त, 97 में प्रत्येक रविवार

को सफाई करने का कार्य किया जिसके 300/- रुपये दिलाए जाएं। प्रार्थना-पत्र प्रदर्श एम-5 दिनांक 17-10-97 में प्रार्थी ने उल्लेख किया है कि उसने शाखा कार्यालय में बाथरूम में वॉशवैशन में कनेक्शन किए जिसमें पुराने सामान को खोलकर नई फिटिंग की जिसकी मजदूरी 40/- रुपये दिलाई जाए। प्रार्थना-पत्र प्रदर्श एम-6 दिसम्बर, 97 में प्रार्थी ने उल्लेख किया है कि उसने नल के निपल बदले जिसकी मजदूरी के 40/- रुपये दिलाए जाए। प्रार्थना-पत्र प्रदर्श एम-7 दिसम्बर, 97 में प्रार्थी ने उल्लेख किया है कि उसने शाखा कार्यालय में पानी की टंकी की सफाई का कार्य प्रत्येक रविवार को किया जिसके 300/- रुपये मजदूरी दिलाई जाए। प्रार्थना-पत्र प्रदर्श डब्ल्यू-3 दिनांक 2-2-98 में प्रार्थी ने उल्लेख किया है कि उसने शाखा कार्यालय में पानी की टंकी की प्रत्येक रविवार को जनवरी माह में सफाई की जिसके 300/- रुपये मजदूरी दिलाई जाए। प्रार्थना-पत्र प्रदर्श एम-8 मई, 98 में प्रार्थी ने उल्लेख किया है कि उसने अप्रैल माह में टंकी की सफाई का कार्य किया जिसके 300/- रुपये मजदूरी दिलाई जाए। जिसका भुगतान प्रार्थी को वाउचर प्रदर्श डब्ल्यू-2 के द्वारा किया गया है। प्रार्थना-पत्र प्रदर्श एम-9 में प्रार्थी ने उल्लेख किया है कि उसने मई जून में सफाई की जिसका भुगतान दिलाया जाए, जिसका भुगतान 600/- रुपये वाउचर दिनांक 17-7-98 के द्वारा किया गया है। प्रार्थी द्वारा मजदूरी दिलाए जाने बाबत प्रस्तुत प्रार्थना पत्रों से यह स्पष्ट है कि प्रार्थी ने पानी की टंकी की सफाई का कार्य प्रार्थना-पत्र में वर्णित महीनों में प्रत्येक रविवार को किया जिसका भुगतान 300/- रुपये प्रत्येक माह में उसे किया गया व प्रार्थी ने जब-जब नल फिटिंग का कार्य किया तो उसे पृथक से मजदूरी का भुगतान किया गया। इस प्रकार प्रार्थी द्वारा प्रस्तुत प्रार्थना-पत्रों के आधार पर प्रार्थी के द्वारा पानी की टंकी का सफाई कार्य मई, जून, 97, अगस्त, 97, नवम्बर, 97, जनवरी, 98, अप्रैल, मई एवं जून, 1998 में प्रत्येक रविवार को पानी की टंकी का सफाई कार्य एवं अक्टूबर, 97 दिसम्बर, 97 में एक-एक दिन फिटिंग का कार्य किया जाना प्रमाणित होता है। यह उल्लेख करना उचित होगा कि प्रार्थी के द्वारा विपक्षी संस्थान में कार्य करने के बारे में जो भी प्रार्थी के द्वारा प्रार्थना-पत्र प्रस्तुत किए गए थे, वे सभी प्रस्तुत कर दिए गए हैं व भुगतान संबंधी वाउचर भी प्रस्तुत कर दिए गए हैं। प्रार्थी एवं उसके द्वारा प्रस्तुत साक्षी दुलीचंद बड़जात्या का यह कथन कि प्रार्थी ने सन् 1975 से उसकी सेवानिवृत्ति 31 मार्च, 1995 तक निरन्तर कार्य किया, विश्वास किए जाने योग्य नहीं है, जबकि दिनांक 21-1-83 के पश्चात् से लेकर अप्रैल, 1997 के बीच की अवधि के बीच यदि प्रार्थी ने कार्य किया होता तो इस संबंध में प्रार्थी के द्वारा मजदूरी भुगतान हेतु प्रार्थना पत्र प्रस्तुत किए जाते व भुगतान से संबंधित वाउचर उपलब्ध होते। इसी प्रकार निर्मल कुमार जैन का यह कथन कि प्रार्थी निरन्तर दिनांक 30-4-98 तक विपक्षी संस्थान में कार्य करता रहा है, विश्वास किए जाने योग्य नहीं है, जबकि निर्मल कुमार जैन स्वयं ही स्वीकार करता है कि उसका सन् 1983 में स्थानान्तरण उदयपुर हो गया था। उदयपुर पदस्थापित होते हुए वह प्रार्थी को जयपुर में उक्त अवधि में कार्य करते कैसे देख सकता था? प्रार्थी द्वारा प्रस्तुत प्रार्थना पत्रों से यह प्रकट हुआ है कि उसने सन् 1997-98 में रविवार के दिनों में कार्य किया व 2 दिन नल की मरम्मत का कार्य किया। इसके विपरीत निर्मल कुमार जैन का कथन कैसे स्वीकार किया जा सकता है कि प्रार्थी विपक्षी संस्थान में निरन्तर कार्य

करता रहा। निर्मल कुमार जैन ने यह भी स्वीकार किया है कि वह नवम्बर, 1984 से सन् 1988 तक बस्सी पदस्थापित रहा। अप्रैल, 88 में रामगंज बाजार शाखा में उसका स्थानान्तरण हुआ जहां सन् 1990 तक उसने कार्य किया। जून, 1990 में वैर चला गया जहां उसने सन् 1992 तक कार्य किया। सन् 1992 से दिसम्बर, 1993 तक वह अलवर रहा। जबकि उक्त साक्षी उक्त अवधि में विपक्षी संस्थान की जयपुर शाखा में पदस्थापित ही नहीं था तो उक्त अवधि में प्रार्थी को विपक्षी संस्थान में कार्य करते कैसे देख सकता था? ऐसा प्रकट होता है कि उक्त दोनों ही साक्षीगण ने जाप बूझकर झूठे कथन किए हैं कि प्रार्थी सन् 1975 से निरन्तर विपक्षी संस्थान में कार्यरत रहा। उक्त विवेचन से प्रमाणित होता है कि प्रार्थी ने दिनांक 16-10-75 से दिनांक 16-3-76 तक 153 दिन व दिनांक 1-2-82 से 21-1-83 तक संविदा के आधार पर एक निश्चित अवधि हेतु कार्य किया। तत्पश्चात् सन् 1997 में मई माह में 5 दिन, जून माह में 4 दिन, अगस्त व नवम्बर माह में 5-5 दिन रविवार के दिनों में कार्य किया व अक्टूबर, 97 में व दिसम्बर, 97 में 1, 1 दिन नल आदि की फिटिंग का कार्य किया। उसने सन् 1998 में जनवरी माह में 5 दिन, अप्रैल माह में 4 दिन, मई माह में 5 दिन व जून माह में 4 दिन रविवार के दिनों में कार्य किया। इस बिन्दु का विनिश्चय इसी प्रकार किया जाता है।

**बिन्दु संख्या 2 :**—अप्रार्थी के विद्वान अधिवक्ता ने इस बिन्दु पर जोर नहीं दिया है अतः इस बिन्दु का विनिश्चय अप्रार्थी के विरुद्ध किया जाता है।

**बिन्दु संख्या 3 :**—विवाद बिन्दु संख्या-1 के अन्तर्गत साक्ष्य के विवेचन से यह प्रमाणित हुआ है कि प्रार्थी ने दिनांक 1-2-82 से 21-1-83 तक संविदा के तहत निश्चित अवधि हेतु कार्य किया। चूंकि प्रार्थी स्वयं ने कार्य किया, अतः ठेके पर कार्य करने का कोई महत्व नहीं है। प्रार्थी ने तत्पश्चात् सन् 1997-98 में किसी लिखित संविदा के तहत निश्चित अवधि हेतु कार्य किया ऐसी साक्ष्य नहीं है। अतः प्रार्थी के मामले में अधिनियम की धारा 2 (ओओ) (बीबी) के प्रावधान आकृष्ट नहीं होते।

**बिन्दु संख्या 4, 5, 6 :**—प्रार्थी की सेवा समाप्ति दिनांक 1-5-98 को बताई गई है जबकि साक्ष्य से यह प्रमाणित हो चुका है कि प्रार्थी ने जून, 1998 में अप्रार्थी संस्थान में कार्य किया जिसका भुगतान प्रार्थी को किया गया। ऐसी दशा में दिनांक 1-5-98 को अप्रार्थी के द्वारा प्रार्थी की सेवा समाप्ति किए जाने का प्रश्न उत्पन्न नहीं होता। जबकि प्रार्थी की सेवा समाप्ति ही दिनांक 1-5-98 को किया जाना प्रमाणित नहीं होता तो अप्रार्थी के द्वारा वरीयता सूची जारी किए जाने का प्रश्न ही उत्पन्न नहीं होता व अधिनियम की धारा 25-एफ, जी के प्रावधान भी आकृष्ट नहीं होते। इसके अतिरिक्त यह भी प्रमाणित नहीं है कि प्रार्थी की तथाकथित सेवा समाप्ति दिनांक 1-5-98 से पूर्व के 1 वर्ष में प्रार्थी ने 240 दिन कार्य किया। इस कारण से भी अधिनियम की धारा 25-एफ के प्रावधानों का उल्लंघन होना प्रमाणित नहीं होता। ऐसा भी कोई साक्ष्य नहीं है कि प्रार्थी से कनिष्ठ श्रमिक को उसकी तथाकथित सेवा समाप्ति के समय विपक्षी संस्थान ने नियोजन में रखा इस कारण से भी अधिनियम की धारा 25-जी के प्रावधान आकृष्ट नहीं होते।

**बिन्दु संख्या 7 :—**यह प्रमाणित नहीं हो पाया कि दिनांक 1-5-98 को विपक्षी के द्वारा प्रार्थी की सेवा समाप्ति की गई। ऐसी परिस्थिति में उसके विधिक एवं उचित होने अथवा न होने का प्रश्न उत्पन्न नहीं होता। वैसे भी यह प्रमाणित नहीं हो पाया है कि विपक्षी संस्थान के द्वारा अधिनियम की धारा 25-एफ, जी एवं नियम, 1957 के नियम-77 का उल्लंघन किया। इन परिस्थितियों में प्रार्थी कोई सहायता प्राप्त करने का अधिकारी नहीं है।

पंचाट की प्रतिलिपि केन्द्रीय सरकार को अधिनियम की धारा 17 की उपधारा (1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जाए।

ह./अपठनीय,

पीठासीन अधिकारी

नई दिल्ली, 4 फरवरी, 2002

**का.आ. 701.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार करूर वैश्य बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या आई. डी. नं. 398/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-02-2002 को प्राप्त हुआ था।

[सं. एल-12012/88/95-आई. आर.(बी-ई)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 4th February, 2002

**S.O. 701.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. No. 398/2001) of the Central Government Industrial Tribunal-cum-Labour Court Chennai now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Karur Vysya Bank, Karur and their workmen, which was received by the Central Government on 01-02-2002.

[No. L-12012/88/95-IR(B. I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM -LABOUR COURT, CHENNAI

Friday, the 28th December, 2001

Present: K. KARTHIKEYAN,  
Presiding Officer

INDUSTRIAL DISPUTE NO. 398/2001  
(Tamil Nadu State Industrial Tribunal I.D.No.46/96)

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri N.Srinivasan and the Management of Karur Vysya Bank, Karur.]

BETWEEN

The General Secretary, : I Party/Claimant  
Karur Vysya Bank Employees Union,  
Bangalore.

AND

The Assistant General Manager, : II Party/Management  
Karur Vysya Bank, Karur.

**Appearance :**

For the Claimant : M/s.D. Hariparanthaman,  
V. Ajoy Khose and  
P. Vijendran, Advocates

For the Management : M/s. T. S. Gopalan & Co.  
Advocates

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No.L- 12012/88/95/IR(B-1) dated 10-06-1996.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 46/96. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 398/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 20-02-2001. On receipt of notice from this Tribunal, counsel on either side present with their respective parties and prosecuted this case further.

When the matter came up before me for final hearing on 24-12-2001, upon perusing the Claim Statement, Counter Statement, additional claim statement, additional counter statement, the other material papers on record, upon hearing the arguments advanced by the learned counsel for the II Party/Management along side this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the Management of Karur Vysya Bank Ltd. in terminating the services of Sri N. Srinivasan w.e.f. 26-02-1993 is justified? If not, to what relief, he is entitled?”

The Karur Vysya Bank Employees Union through its General Secretary has raised this industrial dispute espousing the cause of the workman Mr. N. Srinivasan by challenging the action of the Respondent/Bank Management in terminating the services of the concerned workman.

2. The facts of this industrial dispute in brief are as follows :—

The concerned workman Mr. N. Srinivasan joined the services of the II Party/Management Karur Vysya Bank

Ltd. (hereinafter refers to as Respondent) as a clerk on 11-1-1961. His performance was not satisfactory even in 1960s. As per the assessment made by the superiors about his work as a Clerk in the bank was that his handwriting was poor and he is lacking in self-confidence. The same remark had been repeated even in the later confidential reports of his superiors conveyed to the Management. In the year 1980 it came to the knowledge of the Respondent/Management that the concerned workman was not able to discharge his normal duties due to his defective vision. The Branch Manager in his report dated 17-5-80 has stated that the concerned workman was having serious defect in his eye and that with his partial eye sight he was not able to do full justice to his duties. By a letter dated 15-7-90, the concerned workman was asked to go on leave and take treatment. However, he did not take the advice and maintained that he was not experiencing any difficulty in the discharge of his duties. By a letter dated 4-8-90, the concerned workman was informed that in view of his claim that he was not having any difficulty in the discharge of his duties, his performance would be watched for some more time and in case, it was felt that his eye sight stood in the way of discharge of his duties, further action would be taken. In fact, being conscious of his poor eye sight and diffidence in discharge of his duties, the concerned workman declined the promotion to higher post though ostensibly for some other reasons. Even, thereafter, his bad handwriting and lack of diligence in the discharge of his work was being tolerated purely on humanitarian ground. On 12-12-90, the Manager of Trichy Main Branch, where the concerned workman was working reported that he was not doing any work because of his poor eye sight and he was inefficient. The Inspection Department note dated 28-4-90 also recorded that it was not practically possible to extract any work from the concerned workman, that his handwriting was very bad and he was unable to read properly due to poor eye sight, that his services could not be utilised in any of the sections except demand drafts payable and inward bills collection and that so many mistakes were found in his work. By a letter dated 17-9-91 the concerned workman was asked to appear before one Dr. Narendran, Eye Specialist, Karur to find out whether his eye sight was normal to justify his continuance in employment. Instead of appearing before the Eye Specialist, the concerned workman applied for 10 days leave. The Respondent bank addressed a letter to the concerned workman sanctioning leave and advising him to appear before the Eye Specialist on expiry of his leave on 30-9-91. He was also specifically told that he would be permitted to join duty only after producing a fitness certificate and undergoing eye test by the Bank's nominated Eye Specialist. The concerned workman failed to appear before the Eye Specialist and he was continuously applying for leave on some pretext or other. In order to avoid appearance before the Eye Specialist, the concerned workman was continuously applying for leave on the ground that he was ill. When the Respondent had doubts about the genuineness of his sickness, the concerned workman was asked to produce a medical certificate from the District Medical Officer, Tiruchy. The concerned workman neither produced the medical certificate from the District Medical Officer nor did he appear before the Eye Specialist Dr. Narendran. A charge sheet dated 29-4-92 was issued to the concerned workman charging with the misconduct of wilful disobedience of lawful and reasonable orders of the superiors and his inability to discharge his duties. He was asked to appear for an enquiry.

In the enquiry, four witnesses were examined in support of the charges including an Eye Specialist. The Enquiry Officer gave his report holding that the charges against the Petitioner were proved. The concerned workman was furnished with a copy of the findings of Enquiry Officer and he was asked to make his comments. After considering his representation, orders were passed on 26-2-93 dismissing the concerned workman from service. The concerned workman preferred an appeal against the order of dismissal dated 26-2-93. In his appeal, the concerned workman pleaded that a pension scheme was likely to be introduced in the bank, that if such a scheme was brought into force, he will be eligible for pension, that when once pension scheme comes into force, he will be entitled to pension and therefore, his appeal may be kept in abeyance, till the pension scheme was introduced. On 18-11-93, the Appellate Authority dismissed his appeal.

3. The Petitioner Union which raised this industrial dispute on behalf of the concerned workman has alleged in the Claim Statement filed that the Management issued a notice dated 17-9-91 calling upon the concerned workman to appear before Dr. Narendran, an Eye Specialist alleging that it was done on account of his poor eye sight and that the concerned workman was not able to discharge the work entrusted to him as a Clerk of the Bank. In the meantime, the concerned workman developed ill health, he had to proceed on medical leave. He submitted leave application on health grounds, enclosing necessary medical certificate seeking 10 days leave from 19-9-91. The leave was duly sanctioned by the Management by its letter dated 23-9-91. Since he did not recover and had to continue his treatment as per the advice of his Doctor, he again applied for extension of medical leave for another ten days from 29-9-91 by his letter dated 28-9-91, enclosing necessary medical certificates. In that letter, the concerned workman has stated that he was also going to take treatment for his eye ailment and requested to consider his case sympathetically. But without any humanity and without any reason, the Management stated in its letter dated 5-12-1991 that the concerned workman would be permitted to join duty only after his producing fitness certificate for his medical leave and also after undergoing the eye check up as directed by them. Once the leave has been sanctioned, insisting for fitness certificate as a condition for allowing the concerned workman to join duty is *mala fide*. Similarly when the workman was taking continuous treatment for his health and eye ailment, insisting him to appear before an eye Doctor once and again repeatedly and putting the same as a precondition for allowing him to join duty is *mala fide*. No prejudice would be caused, if the concerned workman appeared before the Doctor after his health has improved and the treatment for eye ailment was over. Hence, directing the workman repeatedly to appear before the eye specialist during the continuance of his treatment and to the detriment of his health and eye is unjust and unreasonable and without humanity. The concerned workman took treatment for his eye ailment with a Homoeopathy Doctor, which is one of the prescribed and approved mode of treatment under the Bipartite Settlement. Further, since the concerned workman was taking treatment under Homoeopathy and also he was told that discontinuing the Homoeopathy treatment and switching over to allopathic or other treatment would not only cure his eye ailment but also adversely affect the eye, he was not able to appear before the Eye Doctor as directed by the Management. Further, he was told that the lights and

solutions used in allopathic for eye check up was not advisable when he was undergoing Homoeopathic treatment. This is also made him not able to appear before the Eye Specialist as directed by the Management. The concerned workman categorically explained the above difficulties then and there in reply to the directions by the Management. But in spite of that, the Management had directed the concerned workman again and again to appear before the eye specialist which would show the vindictive and unhumanitarian attitude of the Respondent. The concerned workman submitted fitness certificate for his health and also the opinion given by the Homoeopathy Doctor with regard to his eye and requested the Management to permit him to join duty in Trichy Main Branch. But both the certificates were not accepted by the Management and the concerned workman was not permitted to join duty. The Management did not give any reason why the medical certificates were not acceptable. Further, the Management was not justified in not accepting the medical certificates, in the absence of medical opinion by any Doctor in this regard. Without even seeking any opinion on the certificates produced by the workman from a competent Doctor, the Management cannot say the medical certificates produced by the workman were not acceptable. Therefore, the action of the Management is illegal and malafide and vindictive. The Management has no power to put a precondition that the concerned workman would be permitted to join duty only if he appears before the Eye Specialist. The Management should have allowed the concerned workman to join duty when he submitted fitness certificate and without permitting him to join duty and asking him to appear before the eye specialist is illegal. For the charge sheet dated 29-4-1992 issued to the concerned workman, he submitted his explanation dated 6-5-1992 denying the charges and explaining the facts. Not satisfied with the explanation, the Management ordered for an enquiry by its notice dated 26-5-92. The enquiry conducted against the concerned workman is against principles of natural justice. The Enquiry Officer was a biased person. He simply overruled all the preliminary objections made by the defence in the enquiry readily accepting every version of the Presenting Officer of the management. The concerned workman was not given opportunity to mark his document, particularly the medical certificate. When request was made to bring the Doctor examined on the side of the Management for further examination, it was turned down. The Enquiry Officer acted outside the purview of the enquiry by directing the concerned workman to read and write during the enquiry and directing him to appear and check up again and again in spite of specific protest by the defence. It is for the Management to prove the charges and it cannot compel and dictate the concerned workman to give evidence in a particular manner to his prejudice. In the enquiry, the Management examined four witnesses including a Doctor and marked 43 documents. Both sides filed written arguments. The Enquiry Officer submitted his findings dated 29-4-92. The findings of the Enquiry Officer is not based on the evidence and materials on record. It is perverse. Based on the perverse findings, the Disciplinary Authority passed the order dated 29.4.92 proposing to dismiss the concerned workman without notice, for which the concerned workman submitted explanation dated 28-1-1993. He also gave a statement during the personal hearing before the Disciplinary Authority. The workman's request to post him in any section which does not require perfect eye vision was also inhumanly turned down. The

concerned workman was dismissed from service without notice by an order dated 26-2-1993. The dismissal order is wholly illegal, without jurisdiction, arbitrary and unjust and liable to be set aside. The charge sheet, the enquiry and the dismissal order passed against the concerned workman is without jurisdiction and without application of mind. No physical incapability can be termed as a misconduct. It is not enumerated in the Bipartite Settlement with regard to disciplinary proceedings that physical incapability is a misconduct. Therefore, charge sheeting the employee for physical incapability and imposing the punishment of dismissal for the same is wholly illegal. The concerned workman has lost his total vision and he was not incapable of doing no work. The standard of vision required for reading and writing is not necessary for every work. The workman is having normal vision, though he was not easily perform the work of a Clerk, to do other works which does not involve reading and writing. When the concerned workman joined duty, his eye vision was perfect and normal. Only due to the hazardous involvement of eye strain every day, every minute, he could have developed poor eye vision. It is because of the nature of employment/occupation he was made to involve by the Management. Therefore, though the concerned workman's eye vision is assumed to be poor for doing the work of a Clerk, the Management should have provided alternative employment as prayed by the workman. The action otherwise by the management is without humanity and violative of Article 21 and opposed to the decisions of Courts. In the facts and circumstances of the case, the dismissal is totally excessive and shockingly disproportionate. Therefore, it is prayed that this Hon'ble Tribunal may be pleased to pass an Award holding the dismissal is wholly unjustified and direct the Respondent to reinstate the concerned workman with continuity of service, back wages and all other attendant benefits.

4. The Respondent/Bank Management has averred in the Counter Statement that the lack of vision of the Petitioner was affecting the work of the establishment and therefore, the Respondent was justified in insisting on the concerned workman to appear before an Eye Specialist for test. When the concerned workman was asked to appear before the Eye Specialist nominated by the Respondent/Bank, it is not open to the concerned workman to say that he would not appear before the Doctor nominated by the bank, but the bank should provide him employment on the basis of a certificate with regard to his eye sight issued by his family Doctor. The concerned workman was charge sheeted only for his failure to comply with the order of the Bank in not appearing before the Eye Specialist and not producing a certificate from the District Medical Officer, Trichy. His lack of eye sight is only an additional factor, which is not a misconduct. The concerned workman was ordered by the Respondent to appear for eye test even before he applied for leave on the ground that he was sick. Moreover, the claim of the concerned workman that he was taking treatment continuously for his ill health and his eye ailment, would not absolve him of his obligation to comply with the order of the bank. The bank was under no obligation to accept the medical fitness certificate or the opinion given by Homeopathy Doctor with regard to his eye sight. The dismissal order is being sustained only by reference to the misconduct namely wilful disobedience of lawful and reasonable orders of the Management. The Management was not obliged to consider or give reason for not accepting the medical certificate produced by the

concerned workman. When the concerned workman was asked to appear before the Eye Specialist and seek his opinion on his eye sight and he was asked to produce a certificate from the District Medical Officer with regard to his ill health, he cannot be heard to say that he would produce a certificate which suits his convenience. The concerned workman cannot be considered for performing any other work, when he was being paid salary as applicable to clerical staff. It is not admitted that the job affected his eye vision. When hundreds of employees are working in the Respondent/Bank for long years with no problem to their eye sight, the plea of the Petitioner that the nature of work affected his eye sight is an argument of convenience. Therefore, it is prayed that this Hon'ble Court may be pleased to pass an Award rejecting the claim of the Petitioner.

5. The Petitioner Union filed an additional Claim Statement stating that a settlement dated 29-10-1993 came into force from 1-11-1993, which provides for pension as second retirement benefit in lieu of Contributory Provident Fund Scheme. That was given effect from 1-11-93. Further, the employees who have already retired on or after 1-1-1986 were also made eligible to get pension in the said Settlement. The Respondent is also a party to the Settlement dated 29-10-93. Therefore, the Settlement is binding on the Respondent and the employees employed by the Respondent are eligible for pension as per Settlement dated 29-10-93. Therefore, if the dismissal order of the concerned workman is set aside, the Hon'ble Tribunal can mould the relief under Section 11A of the Industrial Disputes Act and grant relief in terms of the Settlement. The concerned workman may be granted relief of pension and other retirement benefits in terms of the Settlement dated 29-10-1993 with or without back wages and other attendant benefits as he had reached the age of superannuation. Therefore, this Hon'ble Tribunal may be pleased to take into account the above relevant fact, while exercising the powers under section 11A of Industrial Disputes Act, 1947 and may be pleased to mould and grant appropriate relief in the facts and circumstances of the case.

6. The Respondent/Management had filed an additional Counter Statement stating that the Settlement dated 29-10-93 gave an option to employee who retired between 1-1-1986 and October, 1993 for pension, in lieu of provident fund. In the additional Claim Statement it is averred that if the dismissal of the workman is set aside, the Hon'ble Tribunal could mould the relief under Section 11A of Industrial Disputes Act and grant relief in terms of the Settlement i.e. the workman concerned may be granted the relief of pension and other retirement benefits in terms of the Settlement dated 29-10-1993 with or without back wages and other attendant benefits. The justification of the dismissal is the subject matter of adjudication. If the dismissal is set aside, the concerned workman will automatically get the benefits of the Settlement dated 29-10-93. The claim of the concerned workman appears to be that he is prepared to accept a cessation of the employment as on 26-2-93 provided he was given the benefit of pension. The dismissal of the concerned workman was fully justified and merely because he has chosen to contend himself with the relief of pension, the order of dismissal cannot be set aside. Hence, it is prayed that the Hon'ble Court may be pleased to reject the claim of the Petitioner.

7. When the matter was pending before the Tamil Nadu State Industrial Tribunal Ex. M1 to M55 were marked by the consent of the Petitioner Union. On the side of the Petitioner Union, no document was marked as an exhibit. Neither party to the proceedings has examined any witness on their side. When the matter was posted for arguments of the counsel on either side and the Petitioner's counsel argument was heard in part and was adjourned to the next hearing date for hearing further arguments, as per the orders of the Central Govt., this industrial dispute has been transferred from the file of the Tamil Nadu State Industrial Tribunal to the file of this Tribunal for adjudication. The additional Claim Statement of the I Party/Union and the additional Counter Statement of the II Party/Management were filed before this Tribunal. When the matter was taken up for final hearing on 12-12-2001, the learned counsel for the II Party/Management had advanced his argument. On the subsequent hearing on 24-12-2001, the learned counsel for the I Party/Union has advanced his arguments.

8. The point for my consideration is :—

“Whether the action of the Management of Karur Vysya Bank Ltd. in terminating the services of Sri N.Srinivasan w.e.f. 26-2-1993 is justified? If not to what relief he is entitled?”

**Point: -**

It is admitted that the concerned workman Mr. N.Srinivasan was working as a Clerk in the Trichy Main Branch of the Respondent/Bank. It is not disputed that on 12-2-1990, the Manager of the Trichy Main Branch has sent a letter dated 12-2-90 to the Chairman of the Central Office of the Karur Vysya Bank Ltd. reporting that the clerical staff Mr. N.Srinivasan is unable to do the work efficiently because of his poor eye sight. The same has been informed in the confidential report for the year 1988 and because of the inefficiency of the concerned workman, the bank is suffering a lot every day and is facing so many difficulties because of his poor efficiency. The same has been informed in detail. It is further alleged in the letter stating that regarding writing of current account day book also, the bank is not satisfied and from the morning to evening, the concerned workman is not able to write one day's current account subsidiary day book. Even if the concerned workman writes the day book, he is unable to total it and so many cuttings, scorings, changing of columns and lot of mistakes in every alternative entry and for that they have sent an example by submitting photocopy of two days current account subsidiary day book pages for perusal. It is marked as enclosure to Ex. M1. All these things have not been disputed by the I Party/Union, which is espousing the cause of the concerned workman. Ex. M3 is the xerox copy of the letter dated 17-9-91 given to the concerned workman Mr. N. Srinivasan by the Deputy General Manager of the Bank Management. In that it was informed that notice was brought to them on account of his poor eye sight, he was not able to discharge the work entrusted to him as a Clerk of the branch. Therefore, he was instructed to appear before Doctor Narendran, Eye Specialist of Ramya Eye Hospital, Karur for eye check-up at 6.30 PM on Friday the 20th September, 1991 without fail and necessary appointment with the Doctor has been fixed by the Management. In that letter itself, the Manager of the Trichy Main Branch was instructed to relieve the concerned employee on 20th September, 1991 to enable him to appear before Doctor Narendran, Eye Specialist.



Karur and to give a letter of introduction to the Doctor duly attesting the signature of Mr. N. Srinivasan. Ex. M4 is the xerox copy of the letter dated 19-9-91 sent by the concerned workman to the Deputy General Manager, Personnel Administration Department of Karur Vysya Bank. In that letter he has stated that due to his ill health, he had been advised rest and treatment by his family physician for ten days and hence he was proceeding on leave from that date and he has also enclosed a leave application form along with the medical certificate for sanction. Ex. M5 is the xerox copy of the letter dated 23-9-91 sent by Deputy General Manager to the concerned workman Mr. N. Srinivasan informing him that the leave applied by him on medical grounds for ten days from 19-09-91 to 28-9-91 has been sanctioned and he has been directed to appear for eye check up before the Doctor Narendran, Eye Specialist, Karur on 30-09-91 at 6.30 P.M. after getting necessary identification letter from the Manager, Trichy Main Branch. He further informed in that letter that he will be permitted to join duty on 01-10-91 only after producing fitness certificate for his medical leave and also after undergoing the eye check up as directed. For the letter under Ex. M5, the concerned workman has sent a reply dated 28-9-91 stating that he feels extremely weak after taking treatment during the convalescent period and he was advised by the family Doctor to take complete rest for subsequent ten days from 29-9-91. As such, he has sent his leave letter for another ten days of privilege leave with medical certificate and he is not in a position to meet the Doctor Narendran on 30-9-91. Ex. M8 is the xerox copy of the letter dated 2-12-91 sent by the concerned workman to the Deputy General Manager appealing to reconsider his request of seeking permission to join duty at Trichy Main branch under compassionate ground as per his previous appeal letter dated 28-9-91 after the leave period is over. Ex. M9 is the xerox copy of the letter dated 5-12-91 sent by the Deputy General Manager to the concerned workman Mr. N. Srinivasan directing him to appear for an eye check up on 13-12-91. In that letter itself, he was cautioned that in spite of that letter, if he fails to appear for eye check up as directed, it will be presumed that he is not having proper vision to discharge the duties as a Clerk in the bank and suitable action will be taken for disobeying the lawful and reasonable orders of the Management. Ex. M 10 is the xerox copy of the letter dated 13-12-91 sent by the concerned workman to the Deputy General Manager as a reply to Ex.M 9 letter. In that reply, he has stated that in view of the high temperature he is having for the past three days, he is not in a position to appear before the said Doctor at Karur on 13-12-91 and he requested permission to join duty at Trichy Main Branch after the leave period is over. Ex. 11 is the xerox copy of the leave letter dated 7-12-91 sent by the concerned workman to the Management requesting sanction of 15 days medical certificate on half pay. Ex. M12 is the xerox copy of the letter dated 17-12-91 sent by the Deputy General Manager to the concerned workman Mr. N. Srinivasan, wherein he was informed that he was given one more opportunity to appear before the Eye Specialist at Karur on 24-12-1991 at 6.30 P.M. for eye check up. In that letter itself, he was further informed that he may be permitted to join duty only after his undergoing eye check up as directed by the Management and that his attitude to conveniently avoid eye check up clearly establishes beyond doubt that he is not having proper vision to discharge his duties as a Clerk in the bank and if he fails to appear for eye check up as directed, appropriate action

will be taken against him. Ex. M. 12 letter was sent by the Deputy General Manager of the Management with reference to the letter of the concerned workman dated 13-12-91 with reference to the letter under Ex. M. 11 taking 15 days medical leave on half pay. The Deputy General Manager has sent a letter dated 17-12-91 to the concerned workman and the Xerox copy of the same is Ex.M13. In that letter, the concerned workman was informed that his request will be considered only when the same is supported by necessary medical certificate obtained from the District Medical Officer, Trichy, otherwise, he will not be sanctioned any additional sick leave and he will be treated as remaining unauthorisedly absent. All these things are not disputed. All these documents have been marked by consent of the I Party/Union. From all these things, it is seen that the concerned workman never appeared for the eye test by the eye specialist proposed by the Bank Management, but he was going on seeking permission to join duty at Trichy Main Branch. Ex.M14 to M28 are the Xerox copies of the correspondence between the concerned workman Sri N. Srinivasan and the Bank Management. In all these letters, the Bank Management has directed the concerned workman to get a medical fitness certificate from the District Medical Officer, whereas, the concerned workman has submitted medical certificate from a Registered Medical Practitioner as well as Homeopathy Doctor. The Bank Management has issued charge sheet dated 29-4-1992 to the concerned workman Sri N. Srinivasan. The Xerox copy of the same is Ex.M29. In the charge sheet, the Petitioner was informed that without appearing for eye check up before Dr. Narendran as required by the Management and also before the District Medical Officer, Trichy on his own and had produced a fitness certificate from Dr. K. Shanmugasundaram, Srirangam and also a certificate from Homeopathy Doctor Sri T.M. Parthasarathy, who is not a eye specialist about his vision and they were not accepted by the Management and hence his conduct amounts to acts of gross misconduct in terms of the service conditions applicable to him i.e. wilful disobedience of the lawful and reasonable orders of the Management and his failure to appear before Dr. Narendran, Eye Specialist for eye check up establishes that he is physically incapable of discharging his duties as expected of him as a Clerk in the bank. In that charge sheet the concerned workman was called upon to submit his written explanation within seven days of the receipt of that memo. That charge memo sent by registered post by the Management to the concerned workman was received by him on 5-5-92 and he sent a reply dated 6-5-92 under Xerox copy of Ex.M30 as explanation to the charge memo. Ex. M31 is the Xerox copy of the letter dated 26-05-92 sent by the Disciplinary Authority to the concerned workman stating that the explanation offered by him is not satisfactory and therefore, it was decided to hold a departmental enquiry against the concerned workman on the charges levelled against him. He was directed to appear for the enquiry. Ex.M32 is the Xerox copy of the letter dated 4-6-92 sent by the Enquiry Officer to the concerned workman Sri N. Srinivasan fixing the date of enquiry on 18-6-92 at Trichy Main Branch premises at 10.30 a.m. Accordingly, the domestic enquiry was conducted in which the Petitioner as a charge sheeted employee taken part along with his defence representative Sri Vysar Raj. Ex.M46 is the xerox copy of the enquiry proceedings. In the enquiry, three Managers who were working at Trichy Main Branch at different times have deposed as MW1 to MW3. They have stated in their evidence that during their

period, the concerned workman Mr. N. Srinivasan was working in the Trichy Branch as a Clerk and have stated that the concerned workman was having poor eye sight and hence, he could not discharge his duty as a Clerk in the bank efficiently. The fourth witness MW4 is a Doctor, an Eye Specialist. The Doctor has stated in his evidence that to his knowledge it is not correct to say that dialation of eye and glowing of lights for the purpose of examination will affect the Homoeopathic treatment taken by a person or his vision and he can find out the vision of the patient without dialating his eyes and glowing lights. On completion of the enquiry, the Enquiry Officer has submitted his findings. The copy of the finding was furnished to the concerned workman Mr. N. Srinivasan by a covering letter dated 11-1-93 and he was advised to submit his representation in writing. The xerox copy of that covering letter with the findings of the Enquiry Officer is Ex.M47. The Enquiry Officer has given a finding that for the reasons stated in that report, he find the charge that Sri N. Srinivasan is physically incapable of discharging duties expected of a Clerk in the bank on account of his poor eye sight has been proved and he held the concerned workman guilty of the said charge. From his report, it is seen that 43 exhibits have been marked on the side of the Management and four witnesses have been examined and on the side of the delinquent employee, no document has been marked and no witness has been examined. A perusal of the entire enquiry proceedings Ex.M46 clearly shows that the concerned workman was given fair and sufficient opportunity to defend himself in the domestic enquiry and he was duly assisted by the defence representative Sri Vyasar Raj and all the management witnesses were cross examined by him in detail. The concerned workman has submitted his reply dated 28-01-93 and the xerox copy of the same is Ex.M48. He has admitted in that reply that his vision is defective. Ex.M49 is the xerox copy of the letter dated 6-2-93 sent by the Disciplinary Authority to the concerned workman Mr. N. Srinivasan, wherein he was asked to attend the personal hearing with regard to the proposed punishment. The Disciplinary Authority proposed to impose the punishment of dismissal from the service of the bank without notice. The concerned workman was directed to show cause against the nature of the proposed punishment and to appear before him for a personal hearing on 13-2-93. Ex.M50 is the xerox copy of the Disciplinary Authority's proceedings dated 13-2-93. In that enquiry, the concerned workman, the charge sheeted employee attended with his defence representative and have made their representation. Considering the representation made on behalf of the concerned workman, the Disciplinary Authority has passed final order dated 26-2-1993 confirming the proposed punishment of dismissal from service of the bank without notice. The xerox copy of that order is Ex.M51. The concerned workman preferred an appeal and the Appellate Authority after perusing the appeal, gave a personal hearing to the concerned workman and after that he has passed an order dated 18-11-93. The xerox copy of the proceedings of the Appellate Authority is Ex.M54. The xerox copy of the order passed by the Appellate Authority dated 18-11-93 is Ex.M55. All these exhibits have been marked with the consent of the I Party/Union. All these exhibits have not been disputed by the I Party/Union as well as the concerned workman. From these it is seen a fair and proper domestic enquiry was conducted by the Respondent/Management giving full and reasonable opportunity to the concerned workman, the charge sheeted employee to defend himself

effectively against the charges levelled against him. So, it cannot be said that while conducting the domestic enquiry principles of natural justice have been violated by the Enquiry Officer and he has given his finding without any basis and it is perverse.

9. The additional Claim Statement has been filed by the I Party/Union stating that the concerned workman may be granted relief of pension and other retirement benefits in terms of Settlement dated 29-10-1993 with or without back wages and other attendant benefits, as he has reached the age of superannuation and the Tribunal by exercising the powers under section 11A of the Industrial Disputes Act, 1947 mould and grant appropriate relief for the concerned workman. In the additional Counter filed by the Respondent/Management, it is averred that the justification of dismissal is the subject matter of adjudication and if the dismissal is set aside, the concerned workman will automatically get the benefits of Settlement dated 29.10.1993 and the claim of the Petitioner appears to be that he is prepared to accept the cessation of the employment as on 26-2-93 provided he was given the benefits of pension and that the dismissal of the petitioner was fully justified and merely because he has chosen to contend himself with the relief of pension, the order of dismissal cannot be set aside. Further, the I Party/Union has filed another petition on 8-5-2001 requesting the Tribunal to permit the Union to amend the prayer in the Claim Statement as requesting the Tribunal to pass an Award holding that the dismissal is wholly unjustified and consequently direct the Respondent/Management to pay the pension and other retirement benefits to the concerned workman Mr. N. Srinivasan from the date of his retirement and to pass other suitable orders. From all these available materials in this case, it is seen that the order passed by the management of Karur Vysya Bank Ltd. for the punishment against the concerned workman for the proved charges by dismissing him from the service of the bank without notice is justified.

10. It is stated by the Respondent/Management in their additional Counter Statement itself that if the dismissal is set aside, the concerned workman will automatically get the benefits of the Settlement dated 29-10-1993 and the claim of the Petitioner appears to be that he is prepared to accept the cessation of employment as on 26-2-1993, provided he was given the benefits of pension. On the basis of the available materials in this case, it cannot be said that for the purpose of getting relief claimed by the I Party/Union in the additional Claim Statement and in the petition, wherein they want to have the amendment of the relief prayed for in the Claim Statement, the action of the Management cannot be held as unjustified. On the other hand, there are sufficient materials available in this case to hold that the action of the Management of Karur Vysya Bank Ltd. in terminating the services of Sri N. Srinivasan with effect from 26-2-1993 is justified.

11. The I Party/Union is claiming pension benefits for the concerned workman under the Settlement dated 29-10-93. As per the terms of the Settlement it has given effect from 1st November, 1993. In Clause Option clause (iii), it is stated that the 'retired employees who were in service of the bank/merged bank on or after 31st December, 1985 and retired on or after 31st January, 1986 but before 1st November, 1993 provided that such retired employees applied for it on their own on the format prescribed by each bank and refund within a period of six months



reckoned from 1st November, 1993, the banks entire contribution of the provident fund including the interest received with further simple interest @ 6% per annum from the date of withdrawal of the provident fund amount, till the date of refund will be available as pension as a second retiral benefit scheme in lieu of contributory provident fund.' Admittedly, the concerned workman was terminated from service after a due domestic enquiry and on a punishment with effect from 26-2-93. It is found that the action of the Management in imposing the punishment to the concerned workman is justified. Under such circumstances only for giving benefit to the concerned workman under the Settlement dated 29-10-1993 as a pensionary benefits, the action taken by the Management in terminating the services of the concerned workman cannot be held to be unjustified. Hence, the concerned workman is not entitled for any relief. Thus, the point is answered accordingly.

12. In the result, an Award is passed holding that the action of the Management of Karur Vysya Bank Ltd. in terminating the services of the concerned workman Sri N. Srinivasan w.e.f. 26-2-1993 is justified and the concerned workman is not entitled to any relief as it is prayed for by the I Party/Union in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 28th December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined:

On either side : None

#### DOCUMENTS MARKED:

For I Party/Claimant : Nil

#### For II Party/Management:

Ex. No.	Date	Description
1	2	3
M1	12-02-90	Xerox copy of the letter from Manager, Trichy Main Branch addressed to Chairman along with Enclosure.
M2	28-04-90	Xerox copy of the office note from inspection, audit and Returns department to Personnel Administration Department.
M3	17-09-91	Xerox copy of letter from Personnel Administration Department to Mr. Srinivasan
M4	19-09-91	Xerox copy of the letter from Mr. Srinivasan to Deputy General Manager (PAD)
M5	23-03-91	Xerox copy of the Letter from Deputy General Manager to Mr. Srinivasan
M6	13-09-91	Xerox copy of the letter from Manager, Trichy Main branch to PAD.

1	2	3
M7	28-09-91	Xerox copy of the letter from Srinivasan to Deputy General Manager (PAD)
M8	02-12-91	Xerox copy of the letter from Mr. N. Srinivasan to Deputy General Manager (PAD)
M9	05-12-91	Xerox copy of the letter from Deputy General Manager to Sri N. Srinivasan
M10	13-12-91	Xerox copy of the letter from Mr. N. Srinivasan to Deputy General Manager
M11	07-12-91	Xerox copy of the letter from Mr. N. Srinivasan to Deputy General Manager
M12	17-12-91	Xerox copy of the letter from Deputy General Manager to Mr. N. Srinivasan
M13	17-12-91	Xerox copy of the letter from Deputy General Manager to Srinivasan
M14	30-12-91	Xerox copy of the letter from Chief Officer to Mr. N. Srinivasan
M15	24-12-91	Xerox copy of the letter from Mr. N. Srinivasan to Deputy General Manager
M16	07-01-92	Xerox copy of the letter from Chief Officer to Mr. N. Srinivasan
M17	12-01-92	Xerox copy of the letter from Mr. N. Srinivasan to Deputy General Manager
M18	14-01-92	Xerox copy of the letter from Deputy General Manager to Mr. N. Srinivasan
M19	14-12-91	Xerox copy of the leave application of Mr. N. Srinivasan along with medical certificate from Dr. K. Shanmugasunsaram
M20	01-01-92	Xerox copy of the leave application of Mr. N. Srinivasan along with medical certificate from Dr. K. Shanmugasunsaram
M21	08-01-92	Xerox copy of the leave application of Mr. N. Srinivasan along with medical certificate from Dr. K. Shanmugasunsaram
M22	24-01-92	Xerox copy of the leave application of Mr. N. Srinivasan along with medical certificate from Dr. K. Shanmugasunsaram
M23	13-02-92	Xerox copy of the leave application of Mr. N. Srinivasan

1	2	3	1	2	3
M24	25-02-92	Xerox copy of the letter from Chief Officer to Mr. N. Srinivasan	M42	26-03-91 14-05-91 & 15-05-91	Xerox copy of the current account day book of Trichy Main branch
M25	29-02-92	Xerox copy of the letter from Mr. N. Srinivasan to Chief Officer.	M43	08-06-91, 12-06-91 & 01-07-91	Xerox copy of the current account day book of Trichy Main branch
M26	14-03-92	Xerox copy of the leave application of Mr. N. Srinivasan along with medical certificate from Dr. K. Shanmugasunsaram	M44	April, 90 to Oct, 92	Xerox copy of the job rotation chitta of Trichy main branch.
M27	31-03-92	Xerox copy of the letter from Deputy General Manager to Mr. N. Srinivasan	M45	19-08-92	Xerox copy of the letter from PAD addressed to Dr T. M. Parthasarathy, Regd. Homeopathy Physician, Trichy.
M28	09-04-92	Xerox copy of the letter from Mr. N. Srinivasan to Deputy General Manager with enclosures	M46	29-04-92, 03-08-92, 04-08-92, 12-08-92, 20-08-92 to 22-08-92, 28-08-92	Xerox copy of the enquiry proceedings
M29	29-04-92	Xerox copy of the charge sheet issued to Mr. N. Srinivasan	M47	06-01-93 11-01-93	Xerox copy of the report findings of the Enquiry Officer and letter addressed to Mr. N. Srinivasan by Disciplinary Authority forwarding the copy of the report of findings.
M30	06-05-92	Xerox copy of the explanation of Mr. N. Srinivasan to the charge sheet.	M48	28-01-93	Xerox copy of the representation from Mr. N. Srinivasan
M31	26-05-92	Xerox copy of the letter sent to Mr. N. Srinivasan enclosing notice of constitution of enquiry.	M49	06-02-93	Xerox copy of the proposed punishment order and letter communicating the order of Mr. N. Srinivasan
M32	04-06-92	Xerox copy of the letter sent to Mr. Srinivasan Informing the first hearing (notice of enquiry)	M50	13-02-93	Xerox copy of the proceedings of Proposed punishment hearing.
M33	12-05-92	Xerox copy of the letter from Medical Board, Trichy to Mr. N. Srinivasan under copy to Deputy General Manager	M51	26-02-93	Xerox copy of the final orders of Disciplinary Authority along with covering letter communicating the order.
M34	20-05-92	Xerox copy of the letter from Medical Board, Trichy to Deputy General Manager	M52	20-03-93	Xerox copy of the appeal preferred by Mr. N. Srinivasan to the Appellate Authority
M35	06-12-90 & 07-12-90	Xerox copy of the inward letter register.	M53	17-04-93	Xerox copy of the letter from the Appellate Authority to Mr. N. Srinivasan regarding personal hearing
M36	01-10-86 & 03-10-86	Xerox copy of the drafts paid without advice register of Trichy main branch	M54	21-04-93 18-05-93	Xerox copy of the proceedings of appeal hearing
M37	15-06-89	Xerox copy of the drafts paid without advice Register of Trichy main branch.	M55	18-11-93	Xerox copy of the orders on appeal passed by the Appellate Authority with the letter communicating the same to Mr. N. Srinivasan
M38	10-02-86 to 12-02-86 & 13-02-86	Xerox copy of the drafts payable Cr. Day book of Trichy main branch.			
M39	21-04-89 02-06-89 & 03-06-89	Xerox copy of the drafts payable Cr. Day book of Trichy main branch.			
M40	12-09-89 to 14-09-89 & 29-09-89, 19-10-89 & 20-10-89	Xerox copy of the drafts payable Cr. Day book of Trichy main branch.			
M41	22-10-90 & 22-11-90	Xerox copy of the current account day book of Trichy Main branch			

नई दिल्ली, 4 फरवरी, 2002

का.आ. 702. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ

इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या आई. डी. नं. 133/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-02-2002 को प्राप्त हुआ था।

[सं. एल.-12012/682/98-आई. आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 4th February, 2002

**S.O. 702.**— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. ID. No. 133/99) of the Central Government Industrial Tribunal cum Labour Court Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 01-02-2002.

[No. L-12012/682/98-IR(B.I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SRI R.P.PANDEY PRESIDING  
OFFICER

CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL

CUM LABOUR COURT SARVODAYA  
NAGAR, KANPUR.

Industrial Dispute No: 133/99.

In the matter of dispute between

Sri Pooran Singh  
C/o 2/363-A Namner  
Agra

AND

The Assistant General Manager,  
State Bank of India Region No. 1  
Zonal office,  
Agra.

AWARD

1. Central Government Ministry of Labour New Delhi vide its notification no. L-12012/682/98 IR (B-1) dated 5-5-99 has referred the following dispute for adjudication to this tribunal-

- (a) Whether the action of the Branch Manager Bateshwar Branch S.B.I. Agra to declare Sri Pooran Singh s/o Sri, Raghubir Singh Voluntary retired from service w.e.f. 12-10-98 is justified? If not, what relief workman is entitled to?

2. The workman filed statement of claim with allegation that he was working as messenger in State Bank of India Bateshwar Branch of the bank. His wife suddenly fell ill hence he was left with no other alternative but to proceed on leave so as to look after herself. He informed

the branch manager and proceeded on leave with effect from 3-6-92 and extended his leave with due information to the bank through post. He received a letter from the bank dated 13-7-92 wherein he was asked to present before the branch manager alongwith illness certificate of bank doctor. He personally met the A.G.M. and explained his difficulty and requested for transfer to Agra Garirami. He also went to Bateshwar branch alongwith medical certificate but the branch manager did not allow him to join his duties and asked to obtain a specific order from the Assistant General Manager Region I Agra. He again met the AGM R-I and requested for specific instructions for the branch manager but he asked the workmen to go to the branch manager. He again went to the branch manager but was not allowed to resume his duties. On 20-10-92 he received AGMs letter dated 15-10-92 wherein his services were discontinued and he was treated as voluntarily retired from the job. The aforesaid action of the AGM is unauthorised, arbitrary and illegal. It has been alleged that there is no provision of voluntarily retirement in the bipartite settlement and the orders of the AGM Region I Agra is unfair, illegal and unjustified. On the basis of these allegations the workman has prayed that the decision of voluntarily retirement of the concerned employee from the banks' service be declared as arbitray, illegal and unjustified and a direction be given to the bank to reinstate him in service with full back wages and continuity of service.

3. The management of State Bank of India has filed written statement with allegation that when Pooran Singh Joined in Bateshwar Branch of the bank 12 months leave was in debit due to habit of the concerned employee of remaining absent without leave. After joining in Bateshwar Branch he remained absent on 4-3-92, 15-3-92, 23-3-92, 25-3-92 and 27-3-92 and from 28-3-92 to 1-4-92 and from 3-4-92 to 6-4-92. The branch manager vide letter dated 10-4-92 informed the workman that he would not be paid salary for the above days. The workman was further directed not to remain absent from duty failing which action will be taken against him. The concerned workman received the said letter personally. The workman further become absent from duty from 8-5-92. Vide letter- dated 14-5-92 the branch manager advised him to explain as to why he was unauthorisedly absent from duty. Thereafter the concerned workman attended the branch on 2-6-92 and thereafter he again became absent. The manager of the branch vide his letter dated 13-6-92 called upon him to report for duty. Again the branch manager vide notice dated 20-6-92 asked the workman to report for duty within thirty days. Said notice was sent at the correct address of the concerned workman as given by him. In response to the banks letter the workman submitted an application dated 22-6-92 for sanction of leave to him on the ground of illness of his wife. The branch manager vide his letter dated 13-7-92 advised the workman to contact Dr. Rajiv Sharma Medical Officer of the Bank for medical check up of his wife failing which he would be deemed to be unauthorised absent. Said letter was also sent by registered post. Even after getting that letter the workman did not appear before the medical officer of the bank at Agra for medical check up of his wife. The manager of the bank vide its letter-dated 20-7-92 again asked the concerned workman to join duties but that was of no effect. Vide notice dated 12-9-92 the branch manager asked the concerned workman to report for duty within thirty days failing which he would be deemed to have voluntarily

retired from service. This notice was sent to the workman by all the three means that is by registered post/under postal certificate and by ordinary post. That letter was received by the concerned workman but he did not join duty within the time given in the notice hence the Assistant General Manager vide its registered letter dated 15-10-92 informed the workman that he shall be deemed to have voluntarily retired with effect from 12-9-92 as he did not join duty in compliance of the notice dated 12-9-92. The workman submitted his application dated 16-10-92 to the branch manager after the final order dated 15-10-92 was passed against him. It has been alleged that the action taken by the management is according to the provisions of bipartite settlement and there is no illegality in the action taken by the Bank against the concerned workman. It has been alleged that the concerned workman is not entitled to any relief in pursuance of the reference made to this tribunal.

4. The concerned workman filed rejoinder in which he pleaded that he himself was ill and was no medical leave due to the illness of his wife which fact was in the knowledge of the bank. He made a request to the management to transfer him to Agra due to illness of his wife but the management of the bank to his request paid no heed. The workman went to Zonal Office along with his wife for check up after receiving the information but the bank's doctor refused to do so. He further alleged in the rejoinder that after receiving the said letter dated 12-9-92 he requested to allow him to report for duty but the branch manager did not allow him to join his duties and asked him to explain reasons for his absence. It has been alleged that he has been wrongly held to have been voluntarily retired from the service of the bank as there was no provision in the award as well as in the bipartite settlement.

5. The workman examined himself as W.W 1 and has filed 5 documents marked Ext. W 1 to W.5. The management examined Sri A.K. Gosai as M.W 1 and filed 30 documents marked Ext. M 1 to M 30.

6. I have heard the authorised representatives for both sides and have gone through the record of the case.

The case of the management is that Pooran Singh after joining his duty at Bateshwar Branch of the bank started remaining absent unauthorisedly. It is also the case of the management that vide letter dated 22-6-92 the workman made a request for leave on the ground of illness of his wife and he was informed by the branch manager vide his letter dated 7-7-92 and 13-7-92, that if his wife was ill he should get his wife medically examined by the medical officer of the bank and should produce the medical certificate before the branch manager otherwise his absence from duty shall be treated as unauthorised but the concerned workman did not get his wife medically examined by the medical officer of the bank and remained absent from duty with effect from 3-6-92. It has been alleged that when the concerned workman remained absent from duty for more than 90 days a notice dated 12-9-92 was sent to him by registered post according to the provisions of the bipartite settlement to report for duty within thirty days failing which he will be deemed to have retired from the service of the bank and that notice was received by the concerned workman but he did not join duty within time given in the notice, hence Assistant General Manager Agra Region I passed the order dated 15-9-92 informing the concerned workman to have

retired from service of the bank as he did not join duty after receiving the notice dated 12-9-92. The oral evidence of Sri A.K. Gosai Deputy Manager State Bank of India Zonal Office Agra supports the aforesaid facts and also the documentary evidence adduced by the management. The notice dated 13-7-92 is on the record which shows that with reference to the application of the concerned employee dated 22-6-92 the branch manager asked him to get his wife examined by the medical officer of the bank at Agra and to produce the certificate failing which he will be deemed to be absent without authority. There is no evidence on record to show that the concerned workman ever appeared before the medical officer of the bank and got his wife examined by the medical officer of the bank and produced such medical certificate before the branch manager. Even in the statement of claim the concerned workman has not pleaded that he appeared before the medical officer of the bank with his wife after receiving the said letter dated 13-7-92 and got his wife examined by the medical officer of the bank and obtained certificate. Although he has admitted in paragraph 3 of his claim that he received the letter dated 13-7-92 sent by the branch manager to him.

8. The record further shows that the notice dated 12-9-92 copy of which has been filed as Ext. M-21 on the record shows that a clear direction was given to the concerned workman to report for duty within thirty days from the date of receipt of this notice as he was absent from duty for more than 90 days with effect from 3-6-92. But the concerned workman did not report for duty hence the order dated 15-12-92 Ext. M. 22 was passed. The concerned workman did not state even in his oral evidence that he had gone to join duty after receiving the letter dated 12-9-92 and he was not allowed to join his duty. But he has pleaded in his rejoinder that after receiving the notice dated 12-9-92 he had gone to join duty but the branch manager did not allow him to join his duty. This story of the concerned workman appears to be false and baseless, which has been invented only to give undue support to the case of the workman. The case of the bank that the concerned workman remained absent continuously from 3-6-92 till the order dated 15-10-92 was passed against him appears to be correct and is supported by the evidence on the record. The workman has filed copy of his letter dated 16-10-92 Ext. W. 1 sent to the Regional Manager of the bank Sanjay Place Agra in which he has admitted that he could not attend duty for the last 4 months and he would produce the medical certificate of illness of his wife after obtaining the same from his doctor. His aforesaid admission goes to support the case of the management that he was absent from duty with effect from 3-6-92 and did not join duty even after receipt of the notice dated 12-9-92. Pooran Singh stated in his statement on oath that the notice dated 12-9-92 was never received by him. But this statement of the concerned workman appears to be false and baseless because in Para 15 of his rejoinder he has admitted to have received the letter dated 12-9-92. I, therefore, hold that the concerned workman received the letter/notice dated 12-9-92 yet he did not report for duty within the time given in the notice, hence the management was justified in passing the impugned order dated 15-10-92 treating the concerned workman to have voluntarily retired from the service of the bank.

9. The authorised representative for the workman has argued that there is no provision for voluntarily

retirement of an employee even if he was absent from duty for more than 4 months and his absence from duty should be treated as misconduct and he could not be ousted from the service without being given an opportunity of hearing during the course of domestic enquiry. Similar objection has been raised by the concerned workman in his statement of claim as well as in the rejoinder filed by him. But I do not find any force in this contention. It has been pleaded by the management that they took action against the concerned workman under the provisions of 5th Bipartite Settlement and an opportunity was given to the concerned workman to join duty within thirty days from the date of notice dated 12-9-92 and to explain reasons for his absence from duty but he did not join his duties and did not submit any explanation for his absence from duty hence the decision of the bank that the concerned workman shall be deemed to have retired for the service of the bank is wholly justified and is covered by the provisions of Bipartite Settlement. The contention of the bank appears to be correct.

10. In a similar case of Punjab & Sindh Bank versus Sakattar Singh 2001 Lab. I.C. 301 the Hon'ble Supreme Court of India has held as under—

A reading of clause XVI of IV Bipartite Settlement will make it clear that in the event an employee absents himself from duty for 90 or more consecutive days beyond the period of leave originally sanctioned or subsequently extended the management may, at any time thereafter give a notice to the employee at the last known address calling upon him to report for duty within 30 days of notice stating inter alia the grounds for the management coming to the conclusion that the employee has no intention of joining duty and furnishing necessary evidence wherever relevant and unless the employee reports for duty within thirty days of the notice or gives an explanation for his absence satisfying the management that he has not taken up another employment or avocation and he has no intention of not joining the duty the employee will be deemed to have voluntarily retired from the bank's service on the expiry of the time fixed in the said notice. In the event of the employee giving a satisfactory reply he will be permitted to report for duty thereafter within thirty days from the expiry of the aforesaid notice without prejudice to the bank's right to take any action under the law or rules of service. Under this rule the employee is given an opportunity to rejoin duty within a stipulated time or explain his position to the satisfaction of the management that he has no intention of not joining duty and a presumption will be drawn that the employee does not require the job any more and will stand retired from service. Thus, there is no punishment for misconduct but only to notice the realities of the situation resulting from long absence of an employee from work with no satisfactory explanation thereto. The principles of natural justice cannot be examined in vacuum without reference to the fact situation arising in the case. This rule has been incorporated in an agreement where representatives of employees unions were party. They also realised the futility of continuing a situation when an employee without appropriate intimation to the management is playing truant.

Therefore, where employee claimed that he had sent several communications regarding his illness or to extend his leave or to rejoin duty but there does not appear to be any record with the bank nor the employee is in a position to produce any proof of his having sent such letters. Nor there is material on record to show that he had reported for duty within the period indicated in the notice issued in terms of clause XVI of IV Bipartite Settlement, the order striking out the name of the employee from the rolls of the bank is not based of misconduct and cannot be said to be a futility due to the patent violation of the principles of natural justice since it was not imperative for bank to serve charge sheet to him with an opportunity to file reply.

11. The law laid down in the case cited above fully applies to the facts of the present case and the action taken by the bank against the concerned employee according to the provisions of the Settlement appears to be justified and lawful. Although in the aforesaid case there is reference of clause 16th of 4th Bipartite Settlement but similar provisions exist in clause 17th of 5th Bipartite Settlement.

12. In cross examination of Sri A.K. Gosai, M.W. 1 it has come that the provision of voluntarily retirement as contained in 5th Bipartite Settlement has been deleted in the 6th Bipartite Settlement which came into existence in the year 2000. In my opinion, the present case is covered by the provision of 5th Bipartite Settlement, which was in force when the action was taken against the concerned employee; hence the deletion of such provision subsequently in the year 2000 is of no consequence.

13. The authorised representative for workman has argued that the management has not followed the principles of natural justice before passing the impugned order. In my opinion, the management has made sufficient compliance of principles of natural justice by giving notice to the concerned employee to join duty within thirty days and to explain the reasons for his absence but he did not avail that opportunity. Thus, the management has made sufficient compliance of principles of natural justice and if the concerned employee did not avail that opportunity the bank cannot be blamed for the same.

14. The case of the workman that he was absent from duty due to the illness of his wife is not supported by any reliable evidence. There is no evidence on record to show that he produced any medical certificate of the illness of his wife before authorities of the bank. He did not produce any medical certificate of illness of his wife during the relevant period even before this tribunal. I am, therefore, not prepared to believe the case of the workman that he could not attend his from 3-6-92 to 15-10-92 due to illness of his wife.

15. In view of above considerations I hold that the action of State Bank of India, Agra to declare Sri Pooran Singh son of Raghbir Singh voluntarily retired from the service of the bank with effect from 12-10-92 is justified hence the concerned workman is not entitled to any relief in pursuance of the reference made to this tribunal.

16. The reference is answered accordingly.

R. P. PANDEY, Presiding Officer

नई दिल्ली, 5 फरवरी, 2002

MUMBAI, Dated 5th December, 2001

**का.आ. 703 .—** औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दक्षिणी मध्य रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुम्बई नं.- II के पंचाट (संदर्भ संख्या सी.जी.आई.टी. नं. 2/17/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-02-2002 को प्राप्त हुआ था।

[सं. एल.-41012/76/98-आई. आर. (बी- I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th February, 2002

**S.O. 703 .—** In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/17 of 1999) of the Central Government Industrial Tribunal No.-2 Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Central Railway and their workman, which was received by the Central Government on 04-02-2002.

[No. L-41012/76/98-IR(B.I)]

AJAY KUMAR, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. II,  
MUMBAI

PRESENT

S.N. SAUNDANKAR, Presiding Officer

Reference No. CGIT-2/17 of 1999.

EMPLOYERS IN RELATION TO THE

MANAGEMENT OF SOUTH CENTRAL RAILWAY

The Senior Divisional Personnel Officer,  
S.C. Rly., Hubli Division,  
Karnataka.  
Hubli-580 020.

AND

Their Workmen

Shri Ramesh T. Kulkarni,  
Shindewada, Bhokare Galli,  
Brahmanpuri,  
Miraj-416 410,  
Sangli District,  
Maharashtra.

APPEARANCES :

FOR THE EMPLOYER : Mr. V. Narayanan  
Advocate.FOR THE WORKMEN : Mr. M.B. Anchan  
Advocate.

## AWARD

The Government of India, Ministry of Labour, by its Order No. L-41012/76/98/IR(B-I), dtd. 13-01-1999, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, have referred the following Industrial dispute for adjudication :

"Whether the Senior Divisional Personnel Officer, South Central Railway was justified in terminating the services of Shri R.T. Kulkarni, Reservation chart typist of Reservation Office, Miraj Jn.? If not, to what relief the workman is entitled to?"

2. Mr. R.T. Kulkarni contended vide Statement of Claim (Exhibit-5/7) that he was appointed contract typist to prepare the reservation chart at Miraj Station @ Rs. 12/- per day in the month of August, 1989 thereafter the rate of charge was enhanced to Rs. 25/- per day. It is his contention that he worked as a typist on contract basis on daily wages, from 1989 till May '93. It is contended that on 1st May '93 he reported about the non-functioning of the machine and feeling ill of that, the South Central Railway appointed another typist without giving him notice of termination. It is contended that the management railway authority absorbed the earlier persons in the service. They absorbed Ms. M. Saraswati, who was working on the similar terms and conditions like workman as regular employees, however, workman has not been regularised and they terminated his services illegally. Therefore he contended to direct the management to reinstate him with continuity of service and full back wages.

3. Management, South Central Railway resisted the claim of Shri Kulkarni by filing Written Statement (Ex-14) contending that, Kulkarni was given contract of typing reservation chart in English at Miraj Station in the year 1989. He was never appointed or engaged by the railway on temporary/regular basis but he was given work purely on contract basis. It is contended that there was no full time work at Miraj Station. therefore work of typing reservation chart was given to Kulkarni. On his request in the beginning at the rate of Rs. 12/- per day, later on he abandoned the work from 1-5-93 on his own and therefore, the typing contract was given to some other person. It is contended that since Kulkarni was not engaged by management question of terminating his service by giving notice does not arise. Consequently management prays to dismiss the claim of Kulkarni.

4. By way of Rejoinder (Exhibit-18) Kulkarni contended that he was preparing Reservation chart on railway platform at Miraj from 9.00 a.m. till 9.30 p.m. which was a full time work. It is contended that work of Kulkarni was full time as Miraj station is a junction where many trains arrive and depart. Consequently he reiterated the recitals in the Statement of Claim and denied the contentions in the Written Statement.

5. On the basis of the pleadings my Learned Predecessor framed issues at Exhibit-19. Kulkarni filed his affidavit by way of Examination-in-Chief (Exhibit-30) and closed evidence vide purshis (Exhibit-31A). On behalf of the management railway its Divisional Commercial Manager, Mr. Nagarajan filed affidavit by way of Examination-in-Chief (Exhibit-33) and closed evidence vide purshis (Exhibit-35).

6. Workman filed his written submissions (Exhibit-37) and the management at Exhibit-39. On perusing the record as a whole and the written submissions, the record my findings on the following issues for the reasons stated below :

Issues	Findings
1. Whether the Tribunal has jurisdiction to decide the reference ?	Yes.
2. Whether the action of the management in terminating the service of R.K. Kulkarni, Reservation Chart Typist is justified ?	Yes.
3. If not, to what relief the workman is entitled to ?	As per order below.

### REASONS

7. The issue so far as jurisdiction is concerned, the management nowhere in their written statement raised that issue nor the Learned Counsel, Mr. Narayanan, by way of written submissions (Exhibit-39). Therefore infact, this issue needs to be deleted. However, this being a law point, if considered, it will have to be answered in the affirmative in view of the decisions in Krishna Prasad Gupta Vs. Controller, Printing and Stationery 1996 SCC (L & S) 264 and recent decision of His Lordship of Bombay High Court in Writ Petition No. 1751/99 dt. 11-10-2001 whereby clearly pointed out that the railway is an industry and therefore this tribunal has jurisdiction to entertain and try the reference. Issue No. 1 is consequently answered in the affirmative.

8. So far the crucial point as regards the termination of service of Mr. Kulkarni is concerned, according to him he was appointed in 1989 as reservation clerk and that his work of typing of reservation chart was full time job and that in the year 1993 his services have been terminated without any notice. Management denied the same contending that Kulkarni was not at all engaged in railway department, however, he was given typing work on contract basis. Therefore, no relationship of employer and employee exists and hence consequently the question of terminating him does not arise. As seen from the cross-examination of Kulkarni he is Arts graduate, daily he used to type 48 reservation charts. He admits, at no time he was regular typist. According to him, the work of typing which he was doing was given to another contractor Shivshankar in May '93. In his application (Exhibit-5) in the opening lines, he averred that he was typist on contract basis from 1989 to 1993. In cross-examination, para 11, he admits he was getting Rs. 12 Per day. Admittedly he had given application (Exhibit-31) to the railway department, which clearly mentions that, work of typing of reservation charts in English and Hindi @ Rs. 12 per chart, was demanded by him. Kulkarni has not filed any record to show that he was engaged as a reservation clerk on daily basis by railway authority.

9. From the admissions of Mr. Kulkarni in para 11 it is seen, eleven trains halt at Miraj railway station in a day. There was no post of typist there. When eleven trains pass from Miraj station and that no post of typist was there, work to get the reservation charts prepared, on the basis

of contract is obvious. Kulkarni was typing the reservation chart on contract basis, thereby he was not appointed as a daily wager.

10. Assuming for a moment, Kulkarni was appointed on contract daily wages @ Rs. 12/- as deposed by him, his case would fall under section 2(oo) (bb) of the Industrial Disputes Act. Their Lordships in Brig. S. Ramchandran Vs. Hyderabad Allwyn Metal Works Ltd., Sanathnagar & Ors. 1996 II LLJ. pg. 741 observed "Appellant was not a regular permanent employee of Respondent No. 1 and it had no right to continue till superannuation." In the case on hand, Kulkarni was on contract basis, therefore question of his terminating does not arises.

11. Learned Connseel Mr. Anchan by written submissions (Exhibit-37) pointed out that after termination of Mr. Kulkarni one Shivshankar and Ms. Saraswati were absorbed. However, Kulkarni was not absorbed, which shows discrimination.

12. The Divisional Commercial Manager, Mr. Nagrajan admits in his cross-examination, para 5, that one Saraswati was appointed as substitute luggage porter, she was also preparing reservation charts at Kolhapur station. Nothing on record to show that Saraswati was junior to Kulkarni nor anything to show that, said Saraswati was preparing charts at Kolhapur station as daily wager. Saraswati cannot be compared with Kulkarni in view of the position. When according to Kulkarni he was typing reservation charts on contract basis, he cannot be said to be a daily wager and when he was not a daily wager, question of regularisation of his services does not arise. From this point of view. I find no substance in the submission of Mr. Anchan. On this background, provisions of Section 25(F) of the Industrial Disputes Act in connection with termination, are not applicable to Kulkarni and consequently question of notice and retrenchment compensation, also goes away.

13. It is therefore clear from the evidence as a whole that Kulkarni was doing work of typing on contract basis and since according to the management, he stopped coming for typing work, this work was given to another contractor. Therefore question of termination of service of Kulkarni as stated above does not arise. therefore management's action is justified. Consequently Kulkarni is not entitled to any relief. Issue Nos. 2 & 3 are answered accordingly and hence the order :—

### ORDER

The action of the Senior Divisional Personnel Officer, South Central Railway in terminating the services of Shri R.T. Kulkarni, Reservation Chart typist of Reservation officer, Miraj Jn. is legal, proper and justified.

Shri R.T. Kulkarni, is not entitled to any reliefs.

S.N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 5 फरवरी, 2002

का.आ. 704.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिमी रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध



में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई नं.- II के पंचाट (संदर्भ संख्या सी. जी. आई. टी 2/94/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/02/2002 को प्राप्त हुआ था।

[सं. एल-41011/13/97-आई. आर. (बी- I)]

अजय कुमार, डैस्क अधिकारी

New Delhi the 5th February, 2002

**S.O 704.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/2/94/97) of the Central Government Industrial Tribunal No.-2 Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workmen which was received by the Central Government on 04-02-02.

[No. L-41011/13/97/IR(B-I)]

AJAY KUMAR, Desk Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

#### PRESENT

S.N. SAUNDANKAR

PRESIDING OFFICER

#### REFERENCE NO. CGIT-2/94 OF 1997

EMPLOYERS IN RELATION TO THE  
MANAGEMENT OF

WESTERN RAILWAY, BOMBAY CENTRAL

The Divisional Railway Manager (E),  
Western Railway Bombay Division,  
Bombay Central,  
MUMBAI

AND

#### THEIR WORKMEN

The Divisional Secretary,  
Paschim Railway Karmachari Parishad,  
32 A, Chhapra Building,  
1st Floor, R.K. Vaidya Marg,  
Near Plaza Cinema, Dadar (W),  
Mumbai-28.

#### APPEARANCES

FOR THE EMPLOYER : Ms. Delilah Fernandes  
Advocate holding for  
Suresh Kumar.

FOR THE WORKMEN : Mr. M.B. Anchan  
Advocate

Mumbai, dated the 6th December, 2001

### AWARD—PART—II

By interim Award dtd. 10th August, 1999 my Learned Predecessor held that the Tribunal has Jurisdiction to entertain and try the reference and that domestic inquiry held against the workman was against the Principles of natural Justice and that finding of the inquiry officer were perverse. The record shows that management vide application dtd. 15-10-99 (Exhibit-16) prayed the Tribunal, since the inquiry held vitiates management be given opportunity to lead evidence to prove its action. However that came to be rejected on 17-11-99. The management challenged the interim Award as well the order dtd. 17-11-99 by Writ Petition No. 74 of 2000 and that the Hon'ble High Court, Bombay on 11-2-2000 confirming the interim Award set aside the order dtd. 17/11/99 directing the Tribunal giving opportunity to both the parties to lead evidence to decide the reference on merits.

2. Paschim Railway Karmachari Parishad, vide Statement of Claim (Exhibit-6) contended that the workman who was appointed as a casual labour on 25-1-1985 in the Western Railway was bonafide. His maternal uncle Mr. Mohd. Hafeez Shaikh a railway servant working in Western Railway at Mumbai had arranged the workman in Western Railway with intention that after getting the job he would marry to his daughter and accordingly he had arranged the certificate for job of workman and got his daughter married to him. It is their contention that the workman was not aware on the bogus certificate arranged by Mohd. Hafeez Shaikh for getting the job for the workman. Since difference of opinion between the workman and his wife, because of her bad character marriage ended in divorce and enraged by that it is contended Mohd. Hafeez Shaikh complained to vigilance on production of false birth certificate showing his date of birth as 5-6-1963 which workman was not aware and that his actual date of birth was 2-10-1959. It is contended that the age limit for appointment of Gangman in railway department in 1985 was 28 years and since his correct date of birth was 2-10-59 he was within the age. Therefore, he had no reason to file a false certificate. It is contended that certificate produced by the workman on his date of birth 2-10-59 issued by Madhyamik Shiksha Parishad Allahabad, U.P. was correct and that the certificate of the M.S.I. College, Ghorakpur showing his date of birth 5-6-1963 was incorrect, and that, that certificate was not produced by workman. Therefore he was not responsible for that certificate and that he has not committed any misconduct, however, the management treating that as misconduct, illegally terminated his service. Management opposed the same by filing Written Statement (Exhibit-7) contending that the workman deliberately given the wrong date of birth at the time of recruitment, suppressing the real date of birth which amounts to a major misconduct under the rules and therefore he was chargesheeted on 24-3-92. It is contended that since workman committed misconduct involving integrity while discharging the duties as such public servant, was rightly terminated, and that the management's action is justified.

3. Inview of the pleadings my Learned Predecessor framed issues at Exhibit-10. My Learned Predecessor by way of interim Award gave findings on Preliminary issues



Nos. 1, 2 & 3 and now the Issues Nos. 4 & 5 are to be decided in this award.

4. In view of the decision in the Writ Petition referred to above, to prove the action management filed affidavit of Mr. Kini, by way of Examination-in-Chief (Exhibit-28) and closed evidence vide purshis (Ex-36). In rebuttal, workman Jahid Ali Wajid Ali filed affidavit by way of Examination-in-Chief (Exhibit-37) and closed evidence vide purshis (Exhibit-38).

5. Management, Western Railway filed written submissions (Exhibit-40) with copies of rulings (Ex.-41) and the Union at (Exhibit-39). On perusing the record as a whole and the written submissions I record my findings on the following issues, framed at (Exhibit-10) for the reasons stated below :—

Issues	Findings
4. Whether the action of the management of Western Railway in terminating the service of Zahid Ali is legal and justified ?	Yes.
5. If not, to what relief the workman is entitled to ?	As per order below.

### REASONS

6. At the outset it to be noted that the burden to justify the action is on the management, since the domestic inquiry conducted against workman, held to be vitiated Managements witness, Mr. Kini by way of affidavit stated that workman filed false certificate at the time of recruitment showing his date of birth 5-6-63 and later on he produced the certificate showing his date of birth 2-10-59, he cheated the employer, Western Railway, which is a major misconduct. Workman denied on production of certificate showing the date of birth dtd. 5-6-63, dated. 14-9-75 of MSI College, Gorakhpur. According to him he was not asked to produce the School Leaving Certificate at the time of his appointment as a casual labour and therefore question of production of the certificate dtd. 14-9-75 by him does not arise and added that when he was asked to produce the certificate had produced the school leaving certificate dtd. 12-7-79, issued by Madhyamik Shiksha Parishad, Allahabad, U.P., showing date of birth 2-10-59. The crucial point in the matter is "Whether really certificate dtd. 14-9-75 of MSI College, Gorakhpur was produced by workman or not. He had stated on oath vide (Exhibit. 8) that he married in 1983 with the daughter of Mohd Hafeez Shaikh and that he joined the railway service in 1985. In the first breath vide affidavit (Exhibit-8) he states that he was in the 11th standard and in the second breath vide affidavit (Exhibit-37) in cross-examination, para. 6 he states he put thumb mark, he is illiterate. He admits vide (Exhibit-8) English was one of his subjects in school. This shows, he knows English and can read and write. The Learned Counsel for the union Shri Anchan submits that workman's maternal uncle who had arranged his marriage with his daughter had arranged the fake certificate, to which this workman was unaware.

and therefore workman is innocent in the episode. As stated above according to workman he married in 1983, however, got employment in 1985 which shows his uncle had no connection with the service matter, in as much as, he would have first arranged service and then got his daughter married to him. The fact that workman speaks contradictory hardly can be believed. Under Section 191 of the Railway Rules, 1959 in the service matter, birth certificate is relevant, in order to prepare the service record. Therefore, management must have asked birth certificate and the workman must have given the forged certificate. Workman cannot throw his responsibility upon his Ex-father-in-law and in fact, he is a person who is responsible, when admittedly birth certificate dtd. 14-9-75 was forged and that the certificate dtd. 12-7-79 was correct and when it is evident that certificate dtd. 14-9-75 was filed by the workman, he thereby commits misconduct concerning integrity, certainly unbecoming of Government servant.

7. The Learned Counsel, Mr. Anchan vehemently pointed out that as per the certificate dtd. 12-7-79 issued by, Madhyamik Shiksha Parishad, Uttar Pradesh, the workman's age on the date of recruitment was 26 years and that as admitted by the management's witness Mr. Kini, age for gangman recruitment in 1985 was 28 years, there was no reason for workman to produce forged certificate. On these aspects it is pointed out, non-production of forged certificate by workman gets supports, and therefore Mr. Anchan pointed out that since forged certificate was not produced by workman no misconduct has been committed by him, and therefore management's action is unjustified.

8. In the case on hand what is material who actually produced the forged certificate, and that workman being the concerned employee is required to produce such certificate therefore question of production of the same by any one else than him cannot and does not arise. When workman goes to the extent saying he is illiterate though he studied up to 11th standard, he is not a man, to be believed and on his background, his contention that he had not produced forced certificate but produced by his Ex-father-in-law does not implicit reliance.

9. On going through the record as a whole, it is therefore clearly proved that workman produced forged certificate dtd. 24-9-75, thereby committing act of dishonesty, unbecoming for a government servant, amounts to major misconduct, and that in case of major misconduct, the punishment of dismissal is warranted. The action of the management in terminating the services of the workman for his proved misconduct is therefore legal and justified and consequently he is not entitled to any reliefs. Issues are therefore answered accordingly and hence the order :—

### ORDER

"The action of management of DRM, Bombay Division Western Railway, in terminating the services of Shri Zahid Ali is legal and justified, consequently he is not entitled to any reliefs."

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली 5 फरवरी, 2002

## SCHEDULE

**का.आ. 705.**—औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचात (संदर्भ संख्या 3/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-2002 को प्राप्त हुआ था।

[सं. एल-40012/269/91-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 5th February, 2002

**S.O. 705.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 3/93) of the Central Government Industrial Tribunal/Labour Court Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 5-2-2002.

[No. L-40012/269/91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL CUM LABOUR COURT  
BANGALORE

Dated : the 29th January, 2002

Present : HON'BLE SHRI V. N. KULKARNI, B. COM,  
LLB,

Presiding Officer

CGIT-CUM-LABOUR COURT,

BANGALORE,

C. R. NO. 3/93

## I PARTY

Sri M. Nagendrappa,  
S/O Hanumanthappa,  
No. 365, II Cross,  
III Stage,  
Muneeshwara Block,  
Bangalore-560026  
Advocate- P. Rajamani

## II PARTY

The Divisional Engineer,  
Telephones,  
Shankarpuram Telephone  
Exchange, Bull Temple  
Road, Bangalore-560019  
Advocate-V. P. Kulkarni

## AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L- 40012/269/91-IR(DU) dated 17th January 1993 for adjudication on the following schedule :

“Whether the action of Divisional Engineer (Telephones) Shankarpuram Telephone Exchange, Bangalore is justified in removing Shri M. Nagendrappa, Ex-Casual Mazdoor from service? If not, what relief he is entitled to?”

2. The First Party was working with the Second Party as a Casual Mazdoor. He was removed from service and therefore, Industrial Dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the First Party in brief is as follows:

5. According to the first party workman he joined the services of the Second Party in the year 1977 and he was discharging his duties sincerely and diligently.

6. In the year 1982, the first party was directed by the Second Party to install phone to the subscriber bearing Phone No. 609138, Guttahalli near Water Tank and as per the direction, the first party installed the phone to the subscriber. After a lapse of one month again the first party was entrusted the work of repairing the phone wire in the same area where the subscriber bearing Phone No.609138 is residing. When the first party was working in that area, the subscriber came to the spot and requested the first party to extend the wire to his phone but first party refused to do so without the permission of the department.

7. It is his further case that after few days the subscriber himself offered to first party to get the phone repaired as it was not working properly. Obliging his words the first party took the work of repairing and while doing the repairs work, one day he went to the house to get the phone repaired, while he was repairing the phone the subscriber without the knowledge of the first party went outside and after a few minutes the Second Party entered the house and without questioning anything took the signature on the blank paper from the first party.

8. It is his further case that he is absolutely illiterate and blindly he signed on the blank paper. After 15 days of the said incident the department discontinued his services. When the first party approached the department it was informed that he will be again taken for work but nothing was done.

9. It is his further case that he has worked for 8 years and the action of the management is illegal. First party workman for these reasons has prayed to pass award in his favour.

10. Against this the case of the management in brief is as follows:

11. The main contention of the management is that the first party workman has demanded Rs.300/bribe from the Subscriber telephone bearing No.609138 for providing unauthorized extension to the aforesaid telephone and therefore his name was removed from the Muster Roll w.e.f. 1.11.1983. The contention of the workman that while connecting and repairing the wire of another subscriber's phone, the subscriber of Phone No.609138 requested the first party to give an extension to his phone but the first party refused to do the same is not correct.

12. On the other hand the first party unauthorisedly and without the permission of the department went to the Subscriber of telephone No. 609138 and provided unauthorized extension by collecting illegal gratification of Rs.300/-. Investigation was done and Subscriber along with his wife were examined.

13. It is the further case of the management that the first party posed himself as Suresh and misrepresented the fact to the subscriber and after taking Rs.300/- he has given illegal connection. Details of this incident are also stated in para 3 of the Counter.

14. The allegations that the officials of the second party came to the spot and without questioning anything took a signature on the blank paper from the first party is not correct. First party was not a regular employee. The action of the management is correct and his name has been properly removed from the muster roll. Management for these reasons has prayed to reject the reference.

15. It is seen from the records that the department has examined 3 witnesses, MW1 to MW3. Various documents are marked in the evidence.

16. Against this the workman got examined himself as WW1. MW1 is Mr. Basavalingappa, Sr. Assistant Engineer in Shankarapuram(Outdoor) and he says that the workman was working as Casual Labourer. He has given the duties of casual labourers. According to his evidence lineman will take the instrument to replace the same on complaint. He categorically states that the instrument and material will be not given to the casual labourers. First party was working under one Ramaiah who was a Sub Inspector (Telephones). First party while working under Ramaiah, provided an unauthorized parallel instrument to one subscriber's Telephone No. 609138 and the subscriber complaint to Vigilance Officer complaining that first party had taken bribe of Rs.300/- for providing an unauthorized parallel telephone instrument. He conducted investigation in his capacity as Assistant Engineer actually as JE. Watchman Mayagayya, Nagendrappa(first party) Kalandarsab, Lineman, Chandran, JE(Stores)Vasudevarao, Chamarajpet Ramu, Lineman (Stores) Bhojappa, S.I. Telephones, S. Ramu, Lineman were present and their statements were recorded. He also said that another set of statements have been records by the JE in his presence. He further says that first party Nagendrappa has pretended as Suresh before the Subscriber and there was no Mazdoor working as Suresh. He has denied the suggestion that he insisted the first party to sign on blank paper. In my humble opinion the statement of MW1 directly does not connect the workman to prove the allegation that he has taken bribe of Rs.300/- from the subscriber telephone No. 609138 already referred.

17. In the instant case the department has not examined the subscriber nor his wife and that is really fatal to the department.

18. The learned counsel appearing for the management vehemently argued that in the instant case the first party workman has given statement before MW3, the then Vigilance Officer and therein all the allegations made by the management are admitted by the workman and Ex.M-10 is signed by the workman.

19. It is not easy to swallow the arguments of the learned counsel for the management as it is. We will have

to strictly scrutinize Ex.M-10 and its effect. After all Ex. M-10 is so called a statement of the first party workman recorded by the Vigilance Officer during the investigation. Questions and Answers are in English. It is categorically alleged by the workman that he is illiterate. Firstly the investigation conducted to prove that the workman has taken bribe of Rs.300/- is not proper and all the investigations alleged to have been done by the department is without any notice and proper procedure against the workman. It is well settled principle of law that to hold a person as guilty of the allegation, he has to be heard and an opportunity has to be given to say about the allegation.

20. I have already stated that in the instant case subscriber himself is not examined. His wife is also not evidenced. Therefore the evidence of MW1 will not help the Second Party.

21. We have the evidence of MW2. He is also a Retired Officer of the department. He says that he does not know the first party workman now referred to him. He is aware that the workman was working with the department and he further says that he was working as Divisional Engineer (Telephones). He is not aware of any investigation made by the department against the first party. Ex.M-18 is the letter written by him. On plain reading of the evidence of MW1 it is abundantly clear that he does not know anything about the incident and the investigation done by the department against the first party workman. According to him he is a Divisional Engineer and a responsible officer. With this evidence of MW2 again the case of the department cannot be believed as it is.

22. MW3 is a Retired Officer who was working as Vigilance Officer in the department. According to him one Shantharaju gave a complaint on the first party. It is further alleged by the management that Nagendrappa, the first party workman posed himself as Suresh. All that is not properly proved by the management. MW3 speaks about the complaint of Rs.300/- bribe taken by the workman. He speaks of the investigation done by him. During the course of cross examination MW3 says that he has not taken the statement of Smt. Shantha Raju on 4.10.1983. He says that the complaints were given by Shantharaju and Mrs. Shantharaju in writing. I have already said that the reasons for not examining Shri Shantharaju and his wife is not given by the management. The evidence of MW1 to MW3 is not sufficient to prove that the first party workman has taken bribe of Rs.300/- and the management is not justified in removing the name of the workman from muster roll only on that basis that too without the compliance of mandatory provisions of Section 25F of the ID Act.

23. We have the evidence of the workman as WW1. He says that he continuously worked from 7 years. He narrates the incident of his going to Subscribers Telephone No. 609138 and gave connection. He says that he was refused job without any enquiry or notice. He was only informed about the complaint against him. He says that his signature was taken on paper without explaining anything. The first party workman has also stated that false allegations are made against him and he has not taken bribe of Rs.300/- from the subscriber.

24. In my opinion this statement of the workman in the given circumstances seems to be natural than the evidence of MW1 to MW3.

25. One more important thing is that in the instant case the department has not seriously said either in the Counter or in the evidence that the workman has not worked continuously from 1977 to 1983. In other words the workman has proved that he has continuously worked without any break for a long period and this is not denied by the Second Party.

26. If once it is held that the workman has worked continuously from 1977 to 1983 without any break, naturally the management before refusing the work has to give him notice and hold an enquiry and comply the provisions of Sec. 25F of the Industrial Disputes Act. In the absence of this the action of the management is not justified and correct.

27. There are some documents to show that continuously the workman approached the department but no work was given to him. In the given circumstances I am of the opinion that the action of the management is not proportionate and too harsh and accordingly I proceed to pass the following order:

#### ORDER

The reference is partly allowed. The department is directed to take the first party for work as Casual Labourer and he can also be consider for regularization if he fulfils all the necessary conditions. No other benefits are awarded.

(Dictated to PA transcribed by her corrected and signed by me on 29<sup>th</sup> January 2002.)

V N. KULKARNI, Presiding Officer

नई दिल्ली 6 फरवरी, 2002

का.आ. 706.— औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14 ) की धारा 16 के अनुसूचना में, केन्द्रीय सरकार उत्तरी रेलवे के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट ( संदर्भ संख्या आई डी. नं. 28/2001 ) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2002 को प्राप्त हुआ था।

[ सं. एन-41012/234/2000-आई आर. (बी-1) ]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 6th February, 2002

S.O. 706.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (17 of 1947), the Central Government hereby publishes the award (Ref. I. D. No. 28/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway, and their workmen, which was received by the Central Government on 6-2-2002.

[No. I-41012/234/2000-IR(B-I)]

AJAY KUMAR, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

#### PRESENT

**RUDRESH KUMAR**  
Presiding Officer

I.D. NO.28/2001

L-41012/234/2000/IR(B-I) dated 8-2-2001

#### Between

Sri Dina Nath Tiwari, Divisional Organization Secretary  
Uttar Railway Karmchhari Union, 119/74 Naseemabad,  
Kanpur

#### AND

The Divisional Railway Manager, Northern Railway,  
Allahabad

#### AWARD

By order No. L-41012/234/2000/IR(B-I) dated 8-2-2001, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and section 2(A) of I.D. Act, 1947 (14 of 1947) referred this industrial dispute between Dina Nath Tiwari, Divisional Organization Secretary, Uttar Railway Karmchhari Union, Kanpur espousing cause of Lakshmiram and the Divisional Railway Manager, Northern Railway, Allahabad for adjudication.

The reference under adjudication is as under;

"Whether the action of the Management of Divisional Railway Manager, Northern Railway, Allahabad Regarding punishment of Shri Lakshmiram, Electric Driver (Goods) vide order dated 26-9-1995 is legal and justified? If not, what relief the workman is entitled to?"

2. It is admitted case that the workman, Lakshmiram, Electric Driver (Goods) Northern Railway, while driving Electrical Engine No.23701/LE sitting in wrong cab and over shooting shunting signal No.35 in 'ON' position at Panki caused derailment at TRAP No. L 61 E at 21.35 hours on 9-9-94. A joint enquiry was held to determine cause of derailment by senior officials who drew conclusion as follow :

"Be undersigned after going through the statement of staff concerned, records of ASM and East cabin and the observations of the site came to the conclusion that Porter Sri Dharam Prakash H.Q., PNK with Sri Lakshmiram H.Q. CNB did not ensure the lowering of shunt signal no.35 resulted in derailment of engine No.23701 on open Trap No.61 L 60 E hence Porter and Driver both are responsible for above derailment."

3. In this joint note dated 9-9-94, reference of site observations finds reference. This note is filed by the workman and admitted by the management.

4. Against Lakshmiram Driver (Goods) of the Electrical Engine at the time of derailment a disciplinary

enquiry was initiated. He was issued a charge sheet for major penalty on the prescribed Form S.F.-5, which mentioned two distinct failures on his part causing derailment; (i) that while driving engine he did not follow Safety Rules and ignored lower signal No.35 and over shot the same; and (ii) that at the time of driving he was sitting in the wrong cabin facing Delhi while the engine was being driven towards Howrah end. This charge sheet mentioned list of documents and witnesses to be relied during the proposed enquiry. It is not denied that the domestic enquiry was held and the workman alongwith his defence representative participated in the enquiry and cross examined the witnesses.

5. Management filed photocopies of the enquiry proceeding file. The workman has admitted genuineness of the documents and so there is no controversy over the facts of the case and available documentary evidence. It is also admitted that enquiry report went against the workman and agreeing with the findings of the Enquiry Officer, the Disciplinary Authority inflicted punishment by withholding annual increments permanently for a period of four years effective from 1.3.96. His appeal against the punishment was also rejected. Presently, this punishment has been impugned in the present industrial dispute, which on reference is under adjudication before this Tribunal.

6. Two preliminary issues, as follow, were framed by order dated 4.12.2001:

- (i) whether the domestic enquiry was fair and proper?
- and (ii) whether findings recorded by the enquiry officer is perverse ?

7. Both the parties were heard on preliminary issues to judge fairness of the domestic enquiry and justness of conclusions drawn by the enquiry officer.

8. The derailment of Engine No.23701 is admitted by the parties. It is also admitted that Dharam Prakash. Porter delivered OPT-79 to the Driver. The said derailment had taken place at 21.35 hours. OPT-79 is said to have been delivered at 21.30 hours and the workman started moving at 21.32 hours.

9. The main submission of the A/R of the workman, is, that the domestic enquiry was not fair and proper due to denial of proper opportunity to the workman's representative to cross examine the witnesses effectively and further, to file reply of the charge sheet in appropriate manner. It is submitted that the workman claimed photo copies of the relevant documents which were to be relied but copies was denied to him.

10. The management refutes this submission by stating that all the relevant documents were made available to the workman before or during the enquiry and he cross examined all the witnesses with the help of defence representative. The perusal of the enquiry records would demonstrate that the cross examination was very thorough and nothing is on record to indicate that the workman was prejudiced due to non availability of some records in time. It is submitted that this plea was coined in this tribunal to suit convenience of the workman.

11. The derailment of engine at about 21.35 hours on 9.9.94 is not disputed. It is admitted that at the said time, Dharam Prakash. Porter was deputed to deliver OPT-79 to the Driver and he delivered the same to him at 21.30 hours. The workman cross examined all the witnesses

supporting derailment theory due to non observance of Rules and driving engine sitting in the wrong cabin. All the witnesses were cross examined in detail and also the workman was given opportunity to explain his defence and to adduce evidence. There is nothing on record to indicate that the workman was denied proper opportunity to cross examine the witnesses or to explain circumstances leading to derailment. It does not appear that the workman was prejudiced in any manner, as is evident from the records. The workman has admitted to have made confession before the Sr.DEE/RSO, Allahabad that engine was being given by from wrong cabin, being it was light engine and the traffic OPT-79 for this loco to move from line no.4 to go on line no. 11 at the earliest so that 5207 DN which was reportedly arriving should not suffer detention. This admission is noted in mercy appeal of the workman dated 29.1.1997 addressed to the Divisional Railway Manager, Northern Railway, Allahabad. It is notable that the workman did not plead at any point of time that he was denied records or not given opportunity to inspect papers before cross examination or he was prejudiced by not being able to cross examine the witnesses effectively. To the contrary his own admission is to be in the wrong cabin at the time of driving leading to derailment. Thus, plea of the workman that the domestic enquiry denied him opportunity to cross examine the witnesses, is more fanciful than real. The enquiry was fair and proper and is not defective.

12. Coming to the alleged perversity of the findings, it must be born in mind that the workman was sitting in the cabin facing Delhi side while the engine was being driven towards Hawrah side. Being so positioned, he was not in position to have a glance over the signal and because of this lapse engine over shot the signal and derailed. The porter, admittedly shouted but the workman could not hear. This findings is corroborated by circumstantial evidence. OPT-79 was received at 21.30 hours. The workman moved engine 21.32 hours after receiving OPT-79. He was in the cabin facing Delhi side when received OPT-79. Had he changed the cabin, he must have taken about 10 minutes to change cabin by making the switches off and covering distance between two cabins, in this way, he could not have started engine at 21.32 hours. This circumstance belies case of the workman that he was in the cabin facing Howarah side at 21.35 hours when derailment occurred. This fact is also admitted before the DEE as mentioned in the appeal dated 29.1.1997. Thus, it is clear that the enquiry officer recorded his findings on the basis of available evidence after due evaluations of the facts and circumstances causing derailment. The findings are not perverse.

13. It has been held earlier that the domestic enquiry was fair and proper and further the findings do not suffer with vice of perversity. The workman was punished by stoppage of four future increments. This punishment was inflicted by the Disciplinary Authority on appreciation of facts and circumstances of the case. This court is not inclined to interfere with the punishment.

14. Accordingly, the award is that the action of the management in punishment of Sri Lakshmiram, Driver(Goods) was fully justified and legal. The workman is not entitled to any relief.

Lucknow, 1.2.2002

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 6 फरवरी, 2002

**का.आ. 707.**—औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ ईस्टर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (एम. पी.) के पंचाट (संदर्भ संख्या सी. जी. आई. टी./एल सी (आर) नं. 303/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-2002 को प्राप्त हुआ था।

[सं. एल-41012/100/99-आई. आर. (बी. I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 6th February, 2002

**S.O. 707.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref.No. C G I T/LC(R)303/99) of the Central Government Industrial Tribunal Cum Labour Court 1230, Wright Town, Jabalpur (M. P.) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Eastern Railway, and their workman, which was received by the Central Government on 5-2-2002.

[No. L-41012/100/99-IR (B.I)]

AJAY KUMAR, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL CUM LABOUR COURT,

1230 WRIGHT TOWN, JABALPUR (MP).

PRESIDING OFFICER : K.M. RAI

CASE NO. CGIT/L.C.(R)(303) OF 1999

Rabi Banerjee Workman

Vs.

South Eastern Railway, .....Management Bilaspur.

#### AWARD

(Passed on 22nd day of January, 2002)

The Government of India, Ministry of Labour, New Delhi, has referred the present dispute vide Order No. L-41012/100/99/IR(B-I) dtd. 23.9.1999 for adjudication as under:

“Whether the action of the Divisional Railway Manager, S.E. Railway, Bilaspur in transferring Shri Rabi Banerjee to Rupond is malafied and against the standing rules of the Railway ? If so to what relief the workman is entitled ?”

2. The workman remained absent inspite of service of notice on him. It appears that he is not interested in pursuing his claim as referred by the Government of India. Hence, no dispute exists between the parties in the present case.

3. In the light of the fact stated above, it is held that no dispute exists between the parties in this case.

4. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली 6 फरवरी, 2002

**का.आ. 708.**—औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ ईस्टर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (एम. पी.) के पंचाट (संदर्भ संख्या सी.जी.आई. टी./एल. सी. (आर 191/97 ) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-2002 को प्राप्त हुआ था।

[सं. एल-41012/88/96-आई आर. (बी.आई.)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 6th February, 2002

**S.O. 708.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref.No. CGIT/LC(R)191/97) of the Central Government Industrial Tribunal Cum Labour Court 1230, Wright Town, Jabalpur (MP) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Eastern Railway and their workmen, which was received by the Central Government on 05-2-2002.

[No. L-41012/88/96-IR (B.I)]

AJAY KUMAR, Desk Officer.

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, 1230, WRIGHT TOWN, JABALPUR (MP).

PRESIDING OFFICER : K.M. RAI

CASE NO. CGIT/L.C/(RL)(191) OF 1997

Shri Gendlal & 7 others ... Workmen

Vs.

D.R.M, South Eastern Railway,...Management Bilaspur(C.G.)

#### AWARD

(Passed on 22nd day of January, 2002)

The Government of India, Ministry of Labour, New Delhi, has referred the present dispute vide Order No. L-41012/88/96/IR(B) dtd. 16.7.1997 for adjudication as under:

“Whether the demand of South Eastern Railway Men’s Union. Br. Bilaspur for regularization of service of S/ Shri Gend Lal, Ajit Kumar Bhemia, Ashok Kumar Deb, Awadhesh Kumar Kashyap, Kusum Balli Ram, Ashok Deshpanday, Jirakhan and Anil Srivas, employees under

Dy. CSTE (Con.) S.E. Railway, Bilaspur in their existing grade & scale by the management of S.E. Railway, Bilaspur is justified ? If so to what relief the workers are entitled to & from which date."

2. The workman remained absent in spite of service of notice on him. It appears that he is not interested in pursuing him claim as referred by the Government of India. Hence, no dispute exists between the parties in the present case.

3. In the light of the fact stated above, it is held that no dispute exists between the parties in this case.

4. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K.M.RAI, Presiding officer

नई दिल्ली 6 फरवरी, 2002

**का.आ. 709.**—औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14 ) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ ईस्टर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर (एम. पी.) के पंचाट (संदर्भ संख्या सी.जी.आई. टी. /एल. सी. (आर) 310/99 ) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-2002 को प्राप्त हुआ था।

[ सं. एल-41011/4/99-आई आर. (बी.-I) ]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 6th February, 2002

**S.O. 709.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref.No. CGIT/LC(R)310/99) of the Central Government Industrial Tribunal Cum Labour Court 1230, Wright Town, Jabalpur (MP) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Eastern Railway, and their workman, which was received by the Central Government on 05-2-2002.

[No. L-41011/4/99-IR (B.I)]

AJAY KUMAR, Desk Officer

#### ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
1230, WRIGHT TOWN,  
JABALPUR(MP).**

**PRESIDING OFFICER: K. M. RAI  
CASE NO. CGIT/LC(R)(310) OF 1999**

Shri Ashish Chakravarty ... Workman

Vs.

The Divisional Railway .....Management  
South Eastern Railway, Manager, Bilaspur (C.G.)

#### AWARD

(Passed on 22nd day of January 2002)

The Government of India, Ministry of Labour, New Delhi, has referred the present dispute vide Order No. L.-41011/4/99/IR(B-I) dtd. 4.10.1999 for adjudication as under:

"Whether the demand of S.E. Railway Men's Union for absorption of S/Shri Ashish Chakravarty, Dhanshyam Sahu, Bankesh Tiwari and Babu Rao employees of S.E. Railway Consumer Co-operative Society, Charoda as class IV employees in S.E. Railway on completion of 3 years of service with the society is justified ? If so, to what relief they are entitled ?"

2. The workman remained absent in spite of service of notice on him. It appears that he is not interested in pursuing him claim as referred by the Government of India, Hence, no dispute exists between the parties in the present case.

3. In the light of the fact stated above, it is held that no dispute exists between the parties in this case.

4. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली 7 फरवरी, 2002

**का.आ. 710.**—औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14 ) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कैथोलिक सिरिन बैंक लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार श्रम न्यायालय, एर्नाकुलम के पंचाट (संदर्भ संख्या आई डी सं. 36/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-2-2002 को प्राप्त हुआ था।

[ सं. एल.-12012/189/94-आई आर. (बी-I) ]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 7th February, 2002

**S.O. 710.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I.D. No. 36/1995) of the Central Government Industrial Tribunal /Labour Court Ernakulam as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Catholic Syrin Bank Ltd., and their workman, which was received by the Central Government on 06-2-2002.

[No. L-12012/189/94-IR (B.I.)]

AJAY KUMAR, Desk Officer

#### ANNEXURE

**IN THE CENTRAL GOVERNMENT  
LABOUR COURT ERNAKULAM  
(Labour Courts Ernakulam)**

(Thursday, the 29th day of November, 2001)

PRESENT:

Smt. N. Thulasi Bai, B.A., LL.B., Presiding Officer



Industrial Dispute No. 36 of 1995 (C)

BETWEEN

The Chairman, M/s. The Catholic Syrian Bank Ltd.,  
Head Office, St. Mary's College Road,  
Trichur - 680 020.

AND

The General Secretary,  
Catholic Syrian Bank Staff Association, 47,  
Unity Building, Mannadiar Lane,  
P.B. No. 114, Trichur-680 001.

Representations:

Sri. N. Venugopalan, Advocate,  
Thrissur - 1. ... For Management

Sri. C. Anil Kumar, Advocate,  
Kochi-17. ... For Union

AWARD

This reference was made by the Central Government as per order No. L-12012/189/94-RBI dated 30-11-95. The dispute is between the management of Catholic Syrian Bank Limited and its workman Sri. Lazar Joseph represented by the General Secretary, Catholic Syrian Bank, Staff Association, Trichur. The dispute referred is:

“Whether the action of the management of M/s. The Catholic Syrian Bank Ltd. is justified in deducting special (Stenographer's) allowance in respect of Sri. Lazar Joseph C. for five days in November, 1993 when he took privilege leave. If not, to what relief the workman is entitled?”

2. In response to notices issued from this court, union representing the workman and the management appeared through their respective counsel. Union filed a claim statement stating as follows:—Sri. Lazar Joseph employed as a Typist-cum-Clerk in the Catholic Syrian Bank had been assigned the special duty of stenographer from 1-5-1998 onwards. Since the above date the assignment had been treated as a permanent one and he was given Stenographer's allowance. He was given the allowance during his leave period and without interruption and on a permanent basis thereby it has become part of his service conditions. But in November 1993 the management without any notice deducted a sum of Rs. 98.48 from his salary being the Stenographer's allowance during leave period of 5 days in May 1993 and 5 days in June 1993. The above curtailment of his special allowance from the salary of the employee is an illegal infringement of his service condition and hence not sustainable. Though representation was made through letter dated 20-12-1993, there was no response. So the union prays for passing an award declaring the action of the management as unjustifiable and to disburse the deducted amount to the employee.

3. Management filed a written statement raising the following contentions:—It is true that Lazar Joseph was employed as a Typist-Clerk in the Bank. He was required to do duty of a Stenographer from 1-5-1988. As per letter dated 4-5-1988 he was allowed stenographer's allowance w.e.f. 1-5-1988 on a temporary basis for the period during which he was required to perform the duty of a

stenographer. It was informed that the special allowance could be discontinued whenever he has relieved of the duty of a stenographer. Thus it is clear that the special allowance allowed to the employee was on a temporary basis thereby it will not form part of the service conditions. It is true that special allowance of 10 days was deducted from the salary of Sri. Lazar Joseph for his leave during May and June 1993. It was done as per the provisions of the Bipartite Settlement. As the special allowance allowed to the employee in the present case was on a temporary basis he is not entitled to get the same during leave period. So the management prays for dismissing the claims raised by the union.

4. Union filed a rejoinder traversing the contentions raised in the written statement and reiterating the averments in the claim statement.

5. Evidence adduced from both sides which consists of the testimony of the workman as WW1 and one management witness as MW1 and Exts. W1 to W8.

6. Thus the points arise for determination are:

- (1) Whether deduction of special allowance due to the workman during his privilege leave period is justifiable?
- (2) The reliefs to which the workman is entitled to?

7. Points : It is not disputed that the employee Sri. Lazar Joseph who was employed as a Typist-Clerk in the Catholic Syrian Bank had been assigned the special duty of Stenographer w.e.f. 1-5-1988. It is also not disputed that he was given Stenographer's allowance w.e.f. the above date as per order dated 4-5-1988. It is admitted by the management that the employee was given special allowance during privilege leave also up to November 1993. It is not disputed that the employee availed privilege leave for 5 days in May 1993 and another 5 days in June 1993 for which also no portion of special allowance was deducted from his salary till November 1993. But when salary was paid in November 1993, 10 days special allowance was deducted considering the privilege leave of 5 days each in May and June 1993. According to the Union representing the workman since the special allowance was a permanent one it cannot be deducted for the period of leave. But according to the management since the special allowance granted to the employee was a temporary one he is not entitled to get the same during the period of leave and payments made earlier for the leave period was a mistake and it will not confer a right to the employee to get the same.

8. Ext. W1 is the copy of order by which Sri. Lazar Joseph was given Stenographer's special allowance with effect from 1-5-1988. It is stated in Ext. W1 that the payment of Stenographer's special allowance is purely on temporary basis for the period during which the employee is required to perform Stenographers' duty and whenever he is relieved from the duty of Stenographer payment of special allowance will be discontinued forthwith. Thus it is evidence from the above order that so far as the employee is required to perform stenographer's duty and till he is relieved from the duty of stenographer payment of special allowance will be continued. Thus though it is paid on a temporary basis it is permanent so far as the employee is performing the duty of a stenographer. The management has no case that the employee was relieved from the duty



of a stenographer till date. More over as the sanctioning of Stenographer's allowance was as per a written order no deduction from the allowance can be made without a written notice. Exts. W2 to W8 show that the employee was paid full special allowance irrespective of availing any sort of leave during the earlier periods and it is not disputed also. The union and the management relies on the Bipartite Settlement for claiming and refusing the portion of special allowance during leave period. The management had produced photo copy of pages 20 and 21 of the Bipartite Settlement. As per Clause 5.9 of the above settlement a workman will be entitled to a special allowance only so long as he is in charge of such work or the performance of such duties which attract such allowance. As per clause 5.10 the special allowance would continue to be drawn by a permanent incumbent while on leave. According to the management's counsel since the employee is not a permanent stenographer he is not entitled to get the special allowance attributed to the post during leave period. It is further stated in Clause 5.10 that a workman who is asked to work temporarily in a post carrying a special allowance would be entitled to such a special allowance pro-rata for such period during which he occupies that post. As referred earlier the management has no case that though the employee was posted to do the duty of stenographer on a temporary basis he was ever relieved from such duty prior to the period of availing leave by the employee. So from the earlier conduct of the management and from the documents produced from the workman's side and considering the relevant provision of the Bipartite Settlement relied on by the management also it can be clearly found that Sri. Lazar Joseph the employee involved in the present case who was working in the post of Stenographer even at the time of his availing leave is entitled to get special allowance for the leave period also. Thus the action of the management in deducting special allowance in respect of Sri. Lazar Joseph for 10 days of leave during May and June 1993 when he took privilege leave is not justifiable and the workman is entitled to get the withheld special allowance. Points are answered accordingly.

In the result, an award is passed finding that the action of the management of M/s. Catholic Syrian Bank Ltd., in deducting special allowance in respect of Sri. Lazar Joseph during the period of privilege leave for 5 days each in May and June 1993 is not justifiable and the workman is entitled to get the withheld special allowance. The management is directed to pay the amount within one month from the date of publication of the award in official gazette, failing which the workman is entitled to realise the amount with 12% interest from the date of award to the date of realisation.

Dictated to the Confidential Assistant, transcribed and typed out by her, corrected by me and passed by this the 29th day of November, 2001.

Erankulam. N. THULASI BAI, Presiding Officer.

Appendix

Witness examined on the side of Management:

MW1. Sri. M. Vesudeavan.

Witness examined on the side of Union:

WW1. Sri. Lazar Joseph. Exhibits marked on the side of Union:

- Ext. W1. Copy of letter dated 4-5-88 of the Management granting Special allowance to the workman.
- Ext. W2. Order dated 13-3-91 granting privilege leave to Sri. Lazar Joseph from 4-3-91 to 8-3-91.
- Ext. W3. Order dated 29-3-91 granting privilege leave to Sri. Lazar Joseph.
- Ext. W4. Pay slip of Sri. Lazar Joseph for the month of March 91.
- Ext. W5. Pay slip of Sri. Lazar Joseph for the month of April 91.
- Ext. W6. Order dated 14-3-92 granting privilege leave to the workman from 10-3-92—11-3-92.
- Ext. W7. Pay slip of Sri Lazar Joseph for the month of March, 1992.
- Ext. W8. Pay slip of Sri Lazar Joseph for the month of April, 1992.

नई दिल्ली, 4 फरवरी, 2002

का. आ. 711.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 158/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-02-2002 को प्राप्त हुआ था।

[सं. एल-40012/65/99-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 4th February, 2002

S.O. 711.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 158/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt., and their workman, which was received by the Central Government on 04-02-2002.

[No. L-40012/65/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 31st December, 2001

Present: K. KARTHIKEYAN,  
Presiding Officer

Industrial Dispute No. 158/2001

(Tamil Nadu State Industrial Tribunal I.D. No.153/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri G.Raju and the management of Telecom Department.)

## BETWEEN

Sri G.Raju :

I Party/Workman

## AND

1. The Chief General Manager, : II Party/Management  
Telecom Tamil Nadu Circle,  
Chennai.

2. The General Manager,  
Telecommunications,  
Kancheepuram Distt;  
Chennai.

3. The Divisional Engineer(Admn),  
O/o. General Manager,  
Telecommunications,  
Kancheepuram Distt;  
Chennai.

4. The Sub Divisional Engineer(Groups)  
Telecommunications,  
Kancheepuram.

**Appearance:**

For the Workman : M/s.M.Gnanasekar,  
C.Premavathi &  
G.Manjula, Advocates

For the Management : Sri R.Kanniappan, Addl.  
CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No.L-40012/65/99/IR(DU) dated 30.07.1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 153/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 158/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 02.02.2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26.12.2001, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following:—

**AWARD**

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the action of the management of Telecom in terminating the services of Sri G.Raju as casual mazdoor is legal and justified? If not, to what relief, the workman is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows:—

The I Party/Workman Shri G.Raju (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01.10.1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1266 days of service he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25.06.1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re- engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and an Additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01.10.1984 and his contention about continuous working with the Respondent/Department for a period of 1266 days of service and the alleged termination of the Petitioner from service on 25.06.1995. It is further alleged

that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 1994-1995 less than 240 days. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are : —

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D.No. 157/2001, Sri S. Arputharaj, Petitioner in I.D.No. 195/2001, Sri P. Magesh Babu, Petitioner in I.D.No. 184/2001 and S/Sri M. Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the Xerox copy of the Service Certificates have been marked as Workmen exhibits. On

the side of the Management the Xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II Party/Management has advanced his arguments.

#### 5. The Point for my consideration is —

“Whether the action of the management of Telecom in terminating the services of Sri G. Raju as Casual Mazdoor is legal and justified? If not, to what relief, the workman is entitled?”

#### Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. WW1 series to WW3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service Certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They

further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P.Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent/Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service

certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite

evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman

- W.W.1 Sh. V. Santhanam (Petitioner in I.D. 157/2001)  
 W.W.2 Sh. S. Arputharaj (Petitioner in I.D. 195/2001)  
 W.W.3 Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)  
 W.W.4 Sh. M. Kannappan (Asst. Engineer, Telecom)  
 W.W.5 Sh. C. Madurai [SDE (Groups), Kalpakkam]

##### II Party/Management

M.W.1 Sh. P. Chandrasekar [DE (Legal & Commercial)]

##### Documents Marked (Common)

##### I Party/Workman

- W1 Series (7) — Service Certificates issued to Sh. V. Santhanam  
 W2 Series (3) — Service Certificates issued to Sh. S. Arputharaj  
 W3 Series (8) — Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management

- M1 — Xerox copy of M.R. No. 19/05850  
 M2 — Xerox copy of M.R. No. 06216/8

नई दिल्ली, 4 फरवरी, 2002

का. आ. 712.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 159/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-02-2002 को प्राप्त हुआ था।

[सं. एल-40012/66/99-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 4th February, 2002

S.O. 712.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 159/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt., and their workman, which was received by the Central Government on 04-02-2002.

[No. L-40012/66/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 31st December, 2001

Present: K. KARTHIKEYAN,  
Presiding Officer

INDUSTRIAL DISPUTE NO. 159/2001  
[Tamil Nadu State Industrial Tribunal I.D.No.154/99]

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri M. Anandan and the management of Telecom Department.]

## BETWEEN

## AWARD

Sri M. Anandan : I Party/Workman

AND

1. The Chief General Manager, : II Party/Management  
Telecom Tamil Nadu Circle,  
Chennai.

2. The General Manager,  
Telecommunications,  
Kancheepuram Distt.  
Chennai.

3. The Divisional Engineer (Admn.),  
O/o. General Manager,  
Telecommunications,  
Kancheepuram Distt,  
Chennai.

4. The Sub- Divisional Engineer,  
Telecommunications,  
Kancheepuram.

**Appearance:**

For the Workman : M/s.M. Gnanasekar, C.  
Premavathi & G. Manjula,  
Advocates

For the Management : Sri R. Kannappan, Addl.  
CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L- 40012/66/99/IR(DU) dated 30-07-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 154/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 159/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 02-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the management of Telecom in terminating the services of Sri M. Anandan as casual mazdoor is legal and justified? If not, to what relief, the workman is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri Anandan (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-12-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1326 days of service he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-06-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is *ab initio* void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary.

Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and an Additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01-12-1984 and his contention about continuous working with the Respondent/Department for a period of 1326 days of service and the alleged termination of the Petitioner from service on 25-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 1994-1995. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are : —

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral

evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D. No. 157/2001, Sri S. Arputharaj, Petitioner in I.D. No. 195/2001, Sri P. Magesh Babu, Petitioner in I.D. No. 184/2001 and S/Sri M. Karnnappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is -

"Whether the action of the management of Telecom in terminating the services of Sri M. Anandan as casual mazdoor is legal and justified? If not, to what relief, the workman is entitled?"

**Point :—**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their-consideration to



confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P.Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were

terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW 1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were



attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the

available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman

- W.W.1 Sh. V. Santhanam (Petitioner in I.D. 157/2001)  
 W.W.2 Sh. S. Arputharaj (Petitioner in I.D. 195/2001)  
 W.W.3 Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)  
 W.W.4 Sh. M. Kannappan (Asst. Engineer, Telecom)  
 W.W.5 Sh. C. Madurai [SDE (Groups), Kalpakkam]

##### II Party/Management

- M.W.1 Sh. P. Chandrasekar [(DE (Legal & Commercial))]

#### Documents Marked (Common)

##### I Party/Workman

- W1 Series (7) — Service Certificates issued to Sh. V. Santhanam  
 W2 Series (3) — Service Certificates issued to Sh. S. Arputharaj  
 W3 Series (8) — Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management

- M1 — Xerox copy of M.R. No. 19/05850  
 M2 — Xerox copy of M.R. No. 06216/8

नई दिल्ली, 4 फरवरी, 2002

**का. आ. 713.**— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 160/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-02-2002 को प्राप्त हुआ था।

[सं. एल-40012/67/99-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 4th February, 2002

**S.O. 713.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 160/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt., and their workman, which was received by the Central Government on 4-2-2002.

[No. L-40012/67/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM -LABOUR COURT, CHENNAI

Monday, the 31st December, 2001

Present: K. KARTHIKEYAN,  
Presiding Officer

INDUSTRIAL DISPUTE NO. 160/2001  
(Tamil Nadu State Industrial Tribunal I.D.No.155 /99 )

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri N. Chiralan and the management of Telecom Department.]

BETWEEN

Sri N. Chiralan I Party/Workman

AND

1. The Chief General Manager, : II Party/Management  
Telecom Tamil Nadu Circle,  
Chennai.
2. The General Manager,  
Telecommunications,  
Kancheepuram Distt.,  
Chennai.
3. The Divisional Engineer(Admn.),  
O/o. General Manager,  
Telecommunications,  
Kancheepuram Distt.,  
Chennai.

4. The Sub Divisional Engineer(Group)  
Telecommunications,  
Kancheepuram.

**Appearance:**

For the Workman : M/s.M.Gnanasekar,  
C.Premavathi &  
G.Manjula, Advocates

For the Management : Sri R.Kanniappan, Addl.  
CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No.L- 40012/67/99/IR(DU) dated 30.7.1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 155/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 160/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 5.2.2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26.12.2001, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following: -

**AWARD**

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:-

“Whether the action of the management of Telecom in terminating the services of Sri N. Chiralan as casual mazdoor is legal and justified? If not, to what relief, the workman is entitled?” -

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows:-

The I Party/Workman Shri N. Chiralan (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 22.02.1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1262 days of service he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long

period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 15.06.1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and an Additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 22.02.1984 and his contention about continuous working with the Respondent/Department for a period of 1262 days of service and the alleged termination of the Petitioner from service on 15.06.1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 1994-1995 for a period less than 240 days. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :-

1. The casual labour should have been engaged prior to 31.3.1985;

2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V.Santhanam, Petitioner in I.D.No. 157/2001, Sri S.Arputharaj, Petitioner in I.D.No. 195/2001, Sri P.Magesh Babu, Petitioner in I.D.No. 184/2001 and S/Sri M.Karmappan and C.Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is -

"Whether the action of the management of Telecom in terminating the services of Sri N. Chiralan as casual mazdoor is legal and justified? If not, to what relief, he is entitled?"

Point :-

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been

conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. WW1 series to WW3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for then-consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P.Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/

Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent/Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them.

From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really

issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of the Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman

- W.W.1 Sh. V. Santhanam (Petitioner in I.D. 157/2001)  
 W.W.2 Sh. S. Arputharaj (Petitioner in I.D. 195/2001)  
 W.W.3 Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)  
 W.W.4 Sh. M. Kannappan (Asst. Engineer, Telecom)  
 W.W.5 Sh. C. Madurai [SDE (Groups), Kalpakkam)]

##### II Party/Management

- M.W.1 Sh. P. Chandrasekar [(DE (Legal & Commercial))]

#### Documents Marked (Common)

##### I Party/Workman

- W1 Series (7) — Service Certificates issued to Sh. V. Santhanam  
 W2 Series (3) — Service Certificates issued to Sh. S. Arputharaj  
 W3 Series (8) — Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management

- M1 — Xerox copy of M.R. No. 19/05850  
 M2 — Xerox copy of M.R. No. 06216/8

नई दिल्ली, 4 फरवरी, 2002

का. आ. 714.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 161/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-02-2002 को प्राप्त हुआ था।

[सं. एल-40012/69/99-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 4th February, 2002

S.O. 714.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 161/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt., and their workman, which was received by the Central Government on 04-02-2002.

[No. L-40012/69/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM -LABOUR COURT, CHENNAI

Monday, the 31st December, 2001

Present: K. KARTHIKEYAN,  
Presiding Officer

INDUSTRIAL DISPUTE NO. 161/2001  
(Tamil Nadu State Industrial Tribunal I.D.No.157 /99 )

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri M. Vijayaraghavan and the management of Telecom Department.)

#### BETWEEN

Sri M. Vijayaraghavan I Party/Workman

AND

1. The Chief General Manager, : II Party/Management  
Telecom Tamil Nadu Circle,  
Chennai.
2. The General Manager,  
Telecommunications,  
Kancheepuram Dist,  
Chennai.
3. The Divisional Engineer (Admn.),  
O/o. General Manager,  
Telecommunications,  
Kancheepuram Dist,  
Chennai.

4. The Sub Divisional Engineer (Construction)  
Telecommunications,  
Sriperumbudur.

Appearance:

For the Workman : M/s. M.Gnanasekar,  
C.Premavathi & G. Manjula,  
Advocates

For the Management : Sri R. Kannappan Addl.  
CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2 (A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No.L- 40012/69/99/IR(DU) dated 30.07.1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 157/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 161/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 5.2.2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26.12.2001, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the management of Telecom in terminating the services of Sri M. Vijayaraghavan as casual mazdoor is legal and justified? If not, to what relief, the workman is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri M. Vijayaraghavan (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 1.12.1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1148 days of service he had not been regularised. The Department of Telecommunication

in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25.6.1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and an Additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 1.12.1984 and his contention about continuous working with the Respondent/Department for a period of 1148 number of days of service and the alleged termination of the Petitioner from service on 25.6.1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 1995 for a period of 228 days. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 1.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V.Santhanam, Petitioner in I.D.No. 157/2001, Sri S.Arputharaj, Petitioner in I.D.No. 195/2001, Sri P.Magesh Babu, Petitioner in I.D.No. 184/2001 and S/Sri M.Karmappan and C.Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is —

“Whether the action of the management of Telecom in terminating the services of Sri M. Vijayaraghavan as casual mazdoor is legal and justified? If not, to what relief, the workman is entitled?”

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint



trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P. Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he

was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW 1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these



Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent /Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the

concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman

- W.W.1 Sh. V. Santhanam (Petitioner in I.D. 157/2001)  
 W.W.2 Sh. S. Arputharaj (Petitioner in I.D. 195/2001)  
 W.W.3 Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)  
 W.W.4 Sh. M. Kannappan (Asst. Engineer, Telecom)  
 W.W.5 Sh. C. Madurai [SDE (Groups), Kalpakkam]

##### II Party/Management

- M.W.1 Sh. P. Chandrasekar [(DE (Legal & Commercial))]

#### Documents Marked (Common)

##### I Party/Workman

- W1 Series (7) — Service Certificates issued to Sh. V. Santhanam  
 W2 Series (3) — Service Certificates issued to Sh. S. Arputharaj  
 W3 Series (8) — Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management

- M1 — Xerox copy of M.R. No. 19/05850  
 M2 — Xerox copy of M.R. No. 06216/8

नई दिल्ली, 4 फरवरी, 2002

का. आ. 715.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीएसडी कैण्टीन शत्रुजीत के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट (संदर्भ संख्या 87/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-02-2002 को प्राप्त हुआ था।

[सं. एल-14012/19/97-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 4th February, 2002

S.O. 715.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 87/98) of the Central Government Industrial Tribunal/Labour Court Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CSD Canteen Shatruijit, and their workman, which was received by the Central Government on 04-02-2002.

[No. L-14012/19/97-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE SRI R.P. PANDEY PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL- CUM-LABOUR COURT SARVODAYA  
NAGAR, KANPUR

INDUSTRIAL DISPUTE NO. 87 OF 1998

IN THE MATTER OF DISPUTE BETWEEN

Sri Ram Singh S/o Sri Janger Singh  
Village Nagla Birhara  
P.O. Dholna  
District Etah Uttar Pradesh

AND

The Canteen Officer  
Shatruijit Canteen  
9, Shivaji Road,  
Agra Cantt., Agra.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-14012/19/97-IR (DU) dated 17-4-98 has referred the following dispute for adjudication to this tribunal—

Whether the action of the management of CSD Canteen Shatruijit Agra Cantt. to terminate the service of Sh. Ram Singh, Accounts Clerk is legal and justified? If not he is entitled to what relief?

2. The concerned workman has filed statement of claim with the allegations that he was continuously working on the post of Accounts clerk with effect from

2-12-88 under the management. He was lastly paid Rs. 1900/- as monthly wages besides encashment of leave and other benefits. It has been further alleged that with a view to deprive him from attaining the status of regular and permanent employee, the management vide order dated 13-7-76 terminated his services with effect from 15-7-76. It has been alleged that the management with a view to avoid legal obligations has artificially terminated the services of the workman and has engaged new hands such as Rajesh thereafter H.S. Negi on the post of Accounts clerk knowing the fact that the work was still there. It has been further alleged by the concerned workman that at the time of termination of his service he was neither given any notice nor notice pay nor retrenchment compensation and thereby the termination of his service is in violation of the provisions of section 25F of Industrial Disputes Act, 1947. On the basis of these allegations the concerned workman has prayed that the action of the management in terminating his service be declared illegal and unjustified and he be reinstated in service with full back wages and all consequential benefits.

3. The management has filed written statement with the allegations that the concerned workman was not appointed as regular and permanent employee. The appointment of the concerned workman was purely on adhoc basis for a period of two years, which was extendable by a period of one year or more. The concerned workman was paid consolidated salary of Rs. 1600/- per month alongwith other benefits as mentioned in the Standing Operating Proceedings. It has been alleged that the concerned workman was paid cash incentive on receipts of quantitative discount equivalent to one months pay and allowance and no bonus was ever paid to him. The services of the concerned workman were not extended beyond two years but he continued in the employment. Thus his continuation in the employment during the extended period was absolutely adhoc in nature. The concerned workman vide letter dated 13-7-96 was informed that his services are being terminated with effect from 15-7-96. The management has denied the allegations of ulterior motives to deprive the concerned workman of the service benefits of a regular and permanent employee. It has been alleged that the concerned workman was allowed to continue in service up till 11-96, thereafter the concerned workman left the service without any information. It has been denied by the management that it has violated the provisions of section 25F of the Act on the ground that the services of the concerned workman stood determined on expiry of two years from the date of his appointment unless the same were formally extended each year, hence question of retrenchment does not arise. The concerned workman is not entitled to continue against any regular or permanent post. On the basis of these allegations it has been prayed by the management that the claim of the concerned workman be rejected.

4. The concerned workman has filed rejoinder in which he has reiterated the facts alleged by him in the claim statement.

5. The concerned workman filed affidavit and examined himself as W.W. 1 and filed a few documents in support of his case.

6. As the management stopped appearing in the case after 25-7-2000, the case proceeded ex parte against the management.

7. I have heard the authorised representative for the concerned workman and have gone through the record of the case. The concerned workman has proved his case by filing evidence on affidavit. From his evidence as well as from the admission of the management in their written statement it has been proved that the concerned workman continuously worked under the management more than 240 days preceding the date of termination of his service. It has also been admitted by the management that at the time of termination of the service of the concerned workman no notice or notice pay or retrenchment compensation was paid to him. In this way according to the own admission on the part of the management it is established that the provisions of section 25F of the Act have been breached. As none appeared from the side of the management to rebut the evidence adduced by the concerned workman I have no hesitation in holding that the termination of the service of the concerned workman with effect from 15-7-96 is bad in law being in violation of the provisions of section 25F of the Act and is liable to be set aside.

8. The workman has also proved the fact that after his termination the management has engaged another person by the name of Rajesh and H.S. Negi. Thus from the un-rebutted evidence of the concerned workman it is also proved that the management has also breached the provisions of section 25H of the Act.

9. In view of above considerations the action of the management in terminating the service of the concerned workman with effect from 15-7-96 is held as illegal and void and the concerned workman is held entitled for reinstatement in the service with full back wages and all consequential benefits. Accordingly the management is directed to reinstate the concerned workman in service and to pay him arrears of back wages within a period of one month from the date of publication of the award in the official gazette.

10. Reference is answered accordingly.

R.P. PANDEY, Presiding Officer

नई दिल्ली, 4 फरवरी, 2002

का. आ. 716.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 157/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-02-2002 को प्राप्त हुआ था।

[सं. एल-40012/64/99-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 4th February, 2002

S.O. 716.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 157/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt., and their workman,

which was received by the Central Government on 04-02-2002.

[No. L-40012/64/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM -LABOUR COURT, CHENNAI

Monday, the 31st December, 2001

Present: K. KARTHIKEYAN,  
Presiding Officer

INDUSTRIAL DISPUTE No. 157/2001  
(Tamil Nadu State Industrial Tribunal I.D.No.152 /99 )

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri V. Santhanam and the management of Telecom Department.)

BETWEEN

Sri V. Santhanam

I Party/Workman

AND

1. The Chief General Manager, : II Party/Management  
Telecom Tamil Nadu Circle,  
Chennai.

2. The General Manager,  
Telecommunications,  
Kancheepuram Dist,  
Chennai.

3. The Divisional Engineer(Admn),  
O/o. General Manager,  
Telecommunications,  
Kancheepuram Distt.,  
Chennai.

4. The Sub Divisional Engineer(Group)  
Telecommunications,  
Kancheepuram.

Appearance:

For the Workman : M/s.M.Gnanasekar,  
C.Premavathi &  
G.Manjula,  
Advocates

For the Management : Sri R.Kanniappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No.L- 40012/64/99/IR(DU) dated 30.07.1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 152/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this

case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 157/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 02-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the action of the management of Telecom in terminating the services of Sri V. Santhanam as casual mazdoor is legal and justified? If not, to what relief, the workman is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows:—

The I Party/Workman Shri V. Santhanam (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-03-1985 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 155 days of service he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party Workman has been denied employment w.e.f. 15-06-1995 and, when his services were terminated he was getting Rs 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner. Thus the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the

termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and an Additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01-03-1985 and his contention about continuous working with the Respondent/Department for a period of 1335 days of service and the alleged termination of the Petitioner from service on 15.06.1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 1994-1995. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom

Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D.No. 157/2001, Sri S. Arputharaj, Petitioner in I.D.No. 195/2001, Sri P. Magesh Babu, Petitioner in I.D.No. 184/2001 and S/Sri M. Karmanan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is -

“Whether the action of the management of Telecom in terminating the services of Sri V. Santhanam as casual mazdoor is legal and justified? If not, to what relief, the workman is entitled?”

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificate of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims bases on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their

respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work, It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P. Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent/Management has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom

Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificate of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the

department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in

his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman

- W.W.1 Sh. V. Santhanam (Petitioner in I.D. 157/2001)  
 W.W.2 Sh. S. Arputharaj (Petitioner in I.D. 195/2001)  
 W.W.3 Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)  
 W.W.4 Sh. M. Kannappan (Asst. Engineer, Telecom)  
 W.W.5 Sh. C. Madurai [SDE (Groups), Kalpakkam]

##### II Party/Management

- M.W.1 Sh. P. Chandrasekar [(DE (Legal & Commercial)]

#### Documents Marked (Common)

##### I Party/Workman

- W1 Series (7) — Service Certificates issued to Sh. V. Santhanam  
 W2 Series (3) — Service Certificates issued to Sh. S. Arputharaj  
 W3 Series (8) — Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management

- M1 — Xerox copy of M.R. No. 19/05850  
 M2 — Xerox copy of M.R. No. 06216/8

नई दिल्ली, 4 फरवरी, 2002

का.आ. 717.—औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 162/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-2-2002 को प्राप्त हुआ था।

[सं. एल-40012/70/99-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 4th February, 2002

S.O. 717.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 162/

2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 4-2-2002.

[No. L-40012/70/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 31st December, 2001

Present : K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 162/2001 (Tamil Nadu State Industrial Tribunal I.D.No.158/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri K. Sugumar and the management of Telecom Department.)

#### BETWEEN

Shri K. Sugumar : I Party/Workman

#### AND

1. The Chief General Manager, : II Party/Management Telecom Tamil Nadu Circle, Chennai.
2. The General Manager, Telecommunications, Kancheepuram Distt., Chennai.
3. The Divisional Engineer (Admn), O/o. General Manager, Telecommunications, Kancheepuram Distt., Chennai.
4. The Sub Divisional Engineer (Construction), Telecommunications, Sriperumbudur.

#### APPEARANCE:

For the Workman : M/s. M. Gnanasekar, C. Premavathi & G. Manjula, Advocates

For the Management : Sri R. Kannappan Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L- 40012/70/99/IR (DU) dated 30.07.1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 158/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 162/2001 and notices were sent to the parties on either side, informing them about the transfer of this



case to this Tribunal, with a direction to appear before this Tribunal on 05.02.2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26.12.2001, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the management of Telecom in terminating the services of Sri K.Sugumar as casual mazdoor is legal and justified? If not, to what relief, the workman is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows:—

The I Party/Workman Shri K.Sugumar (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01.12.1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1252 days of service he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 16.06.1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/

Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01.12.1984 and his contention about continuous working with the Respondent/Department for a period of 1252 number of days of service and the alleged termination of the Petitioner from service on 16.06.1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 1994-1995. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are:—

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.1989;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.



4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D. No. 157/2001, Sri Arputharaj, Petitioner in I.D. No. 195/2001, Sri P. Magesh Babu, Petitioner in I.D. No. 184/2001 and S/Sri M. Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is —

“Whether the action of the management of Telecom in terminating the services of Sri K. Sugumar as casual mazdoor is legal and justified? If not, to what relief, the workman is entitled?”

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. WW1 series to WW3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioners WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent

employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P. Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio void* and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective

cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus.

By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service

certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman

- W.W.I - Sh. V. Santhanam (Petitioner in I. D. 157/2001)  
 W.W.2 - Sh. S. Arputharaj (Petitioner in I.D. 195/2001)  
 W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)  
 W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom)  
 W.W.5 - Sh. C. Madurai (SDE (Groups), Kalpakkam)

##### II Party/Management

M.W.I - Sh. P. Chandrasekar (DE (Legal & Commercial))

#### Documents Marked (Common)

##### I Party/Workman

- W1 Series (7) - Service Certificates issued to Sh. V. Santhanam  
 W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj  
 W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management

M1/- Xerox copy of M.R. No. 19/05850

M2 - Xerox copy of M.R. No. 06216/8

नई दिल्ली 4 फरवरी, 2002

**का.आ. 718.**— औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम्प्लॉईज प्रोवीडेंट फंड ऑर्गेनाइजेशन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ संख्या सी जी आई टी-55/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-2-2002 को प्राप्त हुआ था।

[सं. एल-42012/109/2000-आई आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 4th February, 2002

**S.O. 718.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-55/2000) of the Central Government Industrial Tribunal/Labour Court Jaipur now as shown in the Annexure in the Industrial Dispute between the employees in relation to

the management of Employess Provident Fund Organisation and their workman, which was received by the Central Government on 4-2-2002.

[No. L-42012/109/2000-IR(DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM -LABOUR COURT, JAIPUR

Case No. CGIT 55/2000

Reference No. L-42012/109/2000/IR (DU)

Date 26-09-2000

Jitendra Kumar Nirvan  
 S/o Shri Ghasilal,  
 R/o 144, Hathroi Baavri, Ajmer Road,  
 Jaipur (Rajasthan)

...Applicant

Versus

Regional Provident Fund Commissioner,  
 Vidyut Marg, Jyoti Nagar,  
 Nidhi Bhavan, Jaipur  
 Rajasthan

...Non-Applicant

Attendance:—

For the Applicant : Shri Yogesh Sharma, advocate

For the Non-Applicant : Shri V.K. Jain, advocate

Date of Award : 31-12-2001

#### AWARD

The Central Government vide order mentioned above has referred the following dispute under clause (d) of sub-section (1) and sub-section 2(A) of Section of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as the Act, 1947) for adjudication.

#### SCHEDULE

“Whether the action of the management of the Employees Provident Fund Organisation, Jaipur in terminating the services of Shri Jitendra Kumar Nirvan we.f. 13-8-1999 is legal and justified? If not, to what relief the workman is entitled?”

The applicant filed the statement of claim stating that he was appointed in the office of non-applicant on 10/5/93 as a daily wage employee. He worked there from 10/5/93 to 12/8/99 continuously and was paid wages regularly. By oral order dt. 13/8/99 he was denied to work on the above post. He worked for more than 240 days in each year. He raised the dispute in respect of his illegal termination of services before the settlement officer but the dispute was not referred on the ground that he had not worked for 240 days. Thereafter he filed Civil Writ Petition in the High Court and in compliance of the order of the High Court, the dispute was referred to the Tribunal. It has been alleged that his services were terminated in violation of Section 25-F, G of the Act, 1947 and in violation of rule 77 of the Industrial Dispute-(Central) Rules, 1957 (hereinafter referred as Rules, 1957). It was prayed that termination of his services may be declared illegal and he may be reinstated in service with all perquisites.

The non-applicant filed the reply to the claim. It was denied that the applicant was appointed on 10/5/93. It was also denied that the applicant had worked in the year 1993, 1994 and 1995. It was stated that the applicant had worked for 23 days in the month of July 1997, 20 days in the month of May 1997 and 25 days in the month May 97 and 18 days in the month of June-98 as a casual labour. It was denied that the applicant had worked for 240 days in any calendar year. It was also denied that the applicant was paid in different names and was denied to work orally on 13/8/99. It was further stated that the establishment of non-applicant doesn't fall in the definition of "industry". It was also denied that the provisions of section 25-F & G of the Act, 1947 were violated.

The applicant filed rejoinder to the reply reiterating the facts mentioned in the statement of claim. It was stated that in the month of August, September and December 1993 payment was made in the name of Jagga Kumar Nirman, Jankilal and Jaswant Singh respectively. For the month of February, March & April 1994 he was paid in the name of Jankiram, Jaswant and Bhanwarlal respectively. In the month of January 96 payment was made in Hie name of Gopalsingh and for the month of February he was paid in the name of Dansingh.

On the pleadings of the parties the following points of disputes were framed.

#### Points of Disputes—

- (1) आया प्रार्थी विपक्षी संस्थान में दिनांक 10-5-93 से 12-8-99 तक दैनिक वेतन भोगी कर्मचारी के रूप में लगातार कार्य किया।
- (2) आया अप्रार्थी द्वारा प्रार्थी की सेवा दिनांक 13-8-99 को औद्योगिक विवाद अधिनियम, 1947 की धारा 25-एफ, जी व औद्योगिक विवाद (केन्द्रीय) नियम, 1957 के नियम 77 का उल्लंघन कर समाप्त की गई।
- (3) प्रार्थी क्या सहायता प्राप्त करने का अधिकारी है।

In support of the claim the applicant filed his own affidavit. The opposite party was given opportunity to cross-examine him. On behalf of the non-applicant affidavit of Shri R.G.Meena, Assistant Provident Fund Commissioner was filed. The learned counsel of the applicant was given opportunity to cross-examine him on his affidavit. The non-applicant also filed copy of adjustment bill Ex-D-1 to D-18 along with the vouchers.

Heard arguments on behalf of both the parties and perused the record. The points of disputes are decided as follows:-

Point No. 1 The applicant has stated that he worked in the establishment of non-applicant from 10/5/93 to 12/8/99 continuously on daily wage basis. His signatures, however, were obtained in muster roll in different names. He signed the muster roll in his name and name of other persons in the following manner:-

Sr. No.	Month/Year	Name
1	2	3
1.	May-93 to July-93	Own name
2.	August-93	Jugga Kumar
3.	September-93	Jankilal

1	2	3
4.	1 Oct. & Nov. 93	Joginder Singh
5.	December-93	Jaswant Singh
6.	January-94	Dansingh
7.	February-94	Janki Ram
8.	March-94	Jaswant Singh
9.	April-94	Bhanwarlal
10.	May-94	Ramchandra
11.	June to August 94	Own name
12.	Jan 95	Shtamlal
13.	February and March 95	Arvind
14.	April 95	Surender
15.	May-95	Nandram
16.	June-95	Madho Singh
17.	July to Sept-95	Jaswant Singh
18.	October-95	Chothmal
19.	November-95	Jasod Singh
20.	December-95	Jagat Singh
21.	January-96	Gopal Singh
22.	February-96	Dansingh
23.	March-96	Hiraprasad
24.	April-96	Navalkishor
25.	June-96	Jamanlal
26.	July & August-96	Own name
27.	September-96	Jamnprasad
28.	October-96	Jamanlal
29.	November & December-96	Jeevan Ram
30.	1997-1998-1999	Own name and in the name other persons.

In cross-examination he has denied the suggestion that he worked from July-96 and not from 10-5-93. He has admitted that in the month of July-96 he worked for 23 days and in the month of May-98 for 25 days. He has stated that he does not remember that he worked for 20 days in the month of May-97. He has denied the suggestion that in the month of June-96 he worked for 18 days. He has stated that he cannot say that in which year and in which month and for how many days he worked in this own name and in name of other persons. He has admitted that he did not file any complaint for taking work in other names.

Shri R. G. Meena witness for the non-applicant has stated that the applicant was not given any appointment letter on 10-5-93. He did not work up to 12-8-99. He worked for only 23 days in the month of May-97, 20 days in the month of May-97, 25 days in the month of May-98 and 18 days in the month of June-98 as a casual labour rough caretaker. Except for the above period the applicant did not work. The work was not taken from the applicant in other names. The question for denying the applicant to work on 13/8/99 doesn't arise.

The learned counsel for the applicant has contended that by order dated 2-7-01 non-applicant was directed to produce the attendance register of the applicant and payment vouchers of the persons whose names were mentioned in para 3 of the counter reply to the claim. The non-applicant neither filed attendance register nor all the payment vouchers and, therefore, adverse inference is required to be drawn against the non-applicant. He has contended that in these circumstances the statement of the applicant should be believed that he worked continuously from 10-5-93 to 10-8-99. The learned counsel for the non-applicant on the other hand has contended that in reply to the application filed by the applicant for production of the documents it was stated that muster rolls of the daily wagers were not prepared. The adjustment bills and the payment vouchers which were available had been produced on behalf of the non-applicant. The applicant has not identified the signatures on the payment vouchers in his own handwriting. He has contended that in these circumstances adverse inference is not required to be drawn against the non-applicant. It may be stated that in the statement of claim no details were given in which year and in which month the applicant signed the payment vouchers in his own name and in the name of other persons. In the counter reply he has stated that for the month of August, September and December 93 he signed the payment vouchers in the name of Juggaram Nirvan, Jankilal and Jaswant Singh respectively. For the month of February, March and April-99 he signed the payment vouchers in the name of Jankiram, Jaswant and Bhanwarlal respectively. In the month of January, February and December-95 he signed the payment vouchers in the name of Shyamlal, Arvind and Jagatsingh respectively. For the month of January and February 96 he signed the payment vouchers in the name of Gopal Singh and Dan Singh respectively. In the affidavit however he has added the names of other persons in Whose names he signed the payment vouchers, the particulars of which have already been stated above.

The addition of the names in the affidavit of the applicant appears to be after thought. Had he signed the payment vouchers in other names in addition to those stated in the counter reply he might have mentioned in the counter reply. Moreover no request was made to produce the payment vouchers in the name of other persons after February-96. The non-applicant has filed adjustment bill along with payment vouchers for the month of August 93 Ex D-1. The applicant has stated that he signed the payment voucher in name of Juggakumar. He has not identified the signatures on the payment vouchers for

the month of June 94 in his handwriting. Similarly the non-applicant has filed adjustment bill along with payment vouchers for the month of February, March and April 94 Ex-D-2, D-3 and D-4 respectively. The applicant has stated that for the month of February, March and April 94 he signed the vouchers in the name of Jankilal, Jaswant and Bhanwarlal respectively. The applicant has not identified the signatures on these vouchers in his handwriting. Similarly the non-applicant has filed the payment vouchers along with the payment vouchers for the month of January, February and December 95 Ex D-5, D-6 & D-7 respectively. The applicant has not identified signatures on these vouchers in his handwriting. For the month of February 96 the payment voucher along with the adjustment bills Ex D-8 has been filled. Applicant has not identified signatures on the payment vouchers in his handwriting. The learned counsel for the applicant has contended that the Tribunal may compare the handwriting of the applicant with the signatures on the payment vouchers. When the applicant himself has not identified the signature on the above vouchers in his handwriting, no such attempt is required to be made. The non-applicant has filed adjustment bill along with the payment vouchers for the month of August, October and November 98 Ex D-11, D-12 & D-13 and for the month of January, April, May, June and July 99 Ex D-14, D-15, D-16, D-17 & D-18 respectively. As per the above vouchers no payment was made to the applicant for the above period. The applicant has denied that he worked for 18 days in the month of June 98. The non-applicant has filed the adjustment bill along with the voucher of the above period marked Ex D-10, which shows that he was paid for 18 days only in the month of June 98. The statement of the applicant that he did not work for 18 days in the month of June 98 cannot be believed. The applicant himself has stated that he cannot say in which year and in which month and for how many days he worked in his own name and in the name of other persons. It is also not believable that a person may remember that during the last 5 to 8 years in whose name he signed the payment vouchers. The statement of the applicant that he worked in the name of different person doesn't inspire confidence and is not believable. In these circumstances adverse inference for non-production of the record is not required to be drawn against the non-applicant. It is, therefore, not proved that the applicant had worked continuously from 10-8-93 to 12-8-99 in the establishment of the non-applicant.

Point No.2: - The applicant has stated that he was denied to work on 13/8/99. The adjustment bills along with the payment vouchers D-15 to D18 for the month of (April 99 to July 99 show that the applicant was not in the employment of the non-applicant during the above period. There is no proof that the applicant was in employment in the month of August-99 in the establishment of the non-applicant. Last payment was made to him for the month of June 98, as per the voucher filed with the contingent bill Ex D-10. The question of termination of service of the applicant on 13/8/99 therefore, does not arise. It has been proved that the applicant was not in employment

of the non-applicant during the year 1998 during the month of August, October and November 98 and in the year 99 during the month of January, April, May, June and July. It is, therefore, not proved that the applicant had worked for 240 days during the year preceding to the alleged date of termination i.e. 13-8-99. The violation of Section 25-F of the Act, 1947 is, therefore not proved. As the applicants services were not terminated on 13-8-99 the question of applicability of Section 25 G and rule 77 of the Rules, 1957 also does not arise.

Point No 3 :— It has not been proved that the applicant's services were terminated on 13-8-99 by the non-applicant. The question, therefore, as to whether the termination of services of the applicant on the above date is legal and justified or doesn't arise. The applicant is not entitled to any relief.

The copies of the award may be sent to Central Government under Section 17(1) of the Act, 1947 for publication.

Sd/- Illegible,  
Presiding Officer

नई दिल्ली, 4 फरवरी, 2002

**का.आ. 719.**— औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14 ) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इंस्टिट्यूट ऑफ एग्रीकल्चरल मार्केटिंग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचाट ( संदर्भ संख्या सी जी आई टी-44/2000 ) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-2-2002 को प्राप्त हुआ था।

[ सं. एल-42012/46/2001-आई आर. ( डी.यू. ) ]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 4th February, 2002

**S.O. 719.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-44/2000) of the Central Government Industrial Tribunal/Labour Court Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Instt. of Agricultural Marketing and their workman, which was received by the Central Government on 4-2-2002.

[No. L-42012/46/2000-IR(DU)]

KULDIP RAI VERMA, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM -LABOUR COURT, JAIPUR

Case No. CGIT 44/2000

Reference No. L-42012/46/2000/IR(DU)

Dated 09-08-2000

Shri Nakhat Singh,  
Through Sh. Kunal Rawat,  
35-36 Ranjeet Nagar,  
Khatipura , Jaipur (Rajasthan) ...Applicant

Versus

The Director,  
National Institute of Agriculture Marketing,  
Bambala, Sanganer.  
Rajasthan ...Non-Applicant

ATTENDANCE: -

For the Applicant : Shri Kunal Rawat, advocate  
For the Non-Applicant : None

Date of Award : 19/12/2001

AWARD

The Central Government vide order mentioned above has referred the following dispute under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as the Act, 1947) for adjudication.

SCHEDULE

“Whether the action of the Director, National Institute of Agricultural Marketing, Jaipur in terminating the services of Sh. Nakhat Singh S/o Sh. Sajjan Singh, Driver is justified? If not, to what relief the workman is entitled?”

The applicant filed the statement of claim alleging that he was engaged by non-applicant as driver w.e.f. 5/3/97. Since then he continued to work on that post. However his services were orally terminated by the officers of non-applicant by oral order dt. 13/12/97 in violation of Section 25 F, G & H of the Act, 1947. It was prayed that order of termination of his services may be declared illegal, void and he may be reinstated with all benefits.

The non-applicant filed reply to the claim. Since ex-parte proceedings were taken against the non-applicant on account of his absence on the date of hearing, the facts mentioned in reply need not be stated.

On the basis of the pleadings of the parties the points of disputes were framed and the applicant was directed to produce evidence on 12/10/2001. On 12/10/01 the learned counsel for the applicant requested for adjournment. The case was then adjourned to 5/12/01 and thereafter to 19/12/01 for evidence. Today also neither the applicant nor his evidence is present. None is present on behalf of the non-applicant also. It seems that the parties have come to some settlement. No Dispute Award is, therefore, passed.

The copies of the award may be sent to the Central Government under section 17 (1) of the Act, 1947 for publication.

Sd/- Illegible,  
Presiding Officer

नई दिल्ली, 4 फरवरी, 2002

का. आ. 720.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ जनरल मैनेजर, टेलीकॉम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 56/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-02-2002 को प्राप्त हुआ था।

[ सं. एल-40012/480/99-आई. आर. (डी. यू.) ]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 4th February, 2002

S.O. 720.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 56/2001) of the Central Government Industrial Tribunal Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Chief General Manager, Telecom., and their workman, which was received by the Central Government on 04-02-2002.

[No. L-40012/480/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM -LABOUR COURT, CHENNAI \*

Monday, the 31st December, 2001

Present: K. KARTHIKEYAN,  
Presiding Officer

INDUSTRIAL DISPUTE No. 56/2001  
(Tamil Nadu State Industrial Tribunal I.D.No.62 /2000)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Shri N. Padmanabhan and the management of The General Manager Telecommunications, Kancheepuram Dist. Chennai.

BETWEEN

Shri N. Padmanabhan

I Party/Workman

AND

The General Manager. : II Party/Management  
Telecommunications,  
Kancheepuram Distt.  
Chennai.

#### Appearance:

For the Workman : M/s.M. Gnanasekar,  
C. Premavathi  
& G. Manjula,  
Advocates

For the Management : Sri R. Kanniappan Addl.  
CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No- 40012/480/99/IR(DU) dated 13-03-2000.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 62/2000. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 56/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 24-01-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following: -

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:-

“Whether the action of The Chief General Manager Telecom, Chennai in terminating the services of Sri N. Padmanabhan casual mazdoor is justified? If not, to what relief he is entitled?”

2. The facts of the industrial dispute are briefly as follows:-

The I Party/Workman Shri N. Padmanabhan (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 1-11-1984. He was working as Casual Labour from 1-11-1984 to 28-02-1990 in the Divisional Engineer, Telegraphs, Co-Axial Cable division, Chennai on a daily wages basis of Rs. 8/- per day. He worked there till 28-2-1990. Thereafter he was transferred by Junior Engineer on 1-11-1991 to the office of the Assistant Engineer (G) Telephones, Tirutani. He was working there till 25-6-1995. He was working continuously from year 1991 to 1995 without any break. The Petitioner was receiving a salary of Rs. 1600/- at the time of his termination. The Petitioner has put in 2044 number of days of service. The Petitioner has been denied employment from 25-06-1995. Though the Petitioner has been continuously working with the Respondent, his services had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme.



The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-6-1995 and, when he approached the concerned authority, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work which is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Dispute Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio and void and the Petitioner is deemed to be continuous in service and therefore, entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour and his contention about continuous working with the Respondent/Department and put in the said number of days of service and the alleged termination of the Petitioner from service and the said date. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 26-11-1994 to 25-06-1995 for a period of 211 days only. The department used to engage persons like the Petitioner when they approached the concerned officer for the above mentioned casual work and they also used to engaged for such type of casual work on daily rated wages basis. Since the work order of the MR come to an end and since there was no work, the persons like Petitioner was not further engaged hence, the question of appointment, termination and continuance of service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Petitioner will be taken back to service by the Respondent/Telecom Department. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :-

1. The casual labour should have been engaged prior to 31-3-1985;

2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D.No. 157/2001, Sri S. Arputharaj, Petitioner in I.D.No. 195/2001, Sri P. Magesh Babu, Petitioner in I.D.No. 184/2001 and S/Sri M. Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is—

“Whether the action of the Chief General Manager, Telecom, Chennai in terminating the services of Sri Mr. N. Padmanabhan, casual mazdoor is justified? If not, to what relief he is entitled?”

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint



trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. Their further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P. Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication for the period from 1984 to 1995. He worked continuously till 1995 as they have stated in their respective Claim Statement. It is their further allegation in the Claim

Statement that all of a sudden they were terminated and the action of the Respondent/Management Telecommunication Department in terminating them from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1985. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW 1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these

Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that this Petitioners has not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further those service certificates have not been proved by the Petitioners by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the

concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that they have been created by these Petitioners for the purpose of these cases as it is contended by the Respondent/Management. From the available materials, it is seen that the petitioners were not employed by the Respondent/Management in regular course and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman

- W.W.1 Sh. V. Santhanam (Petitioner in I.D. 157/2001)
- W.W.2 Sh. S. Arputharaj (Petitioner in I.D. 195/2001)
- W.W.3 Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)
- W.W.4 Sh. M. Kannappan (Asst. Engineer, Telecom)
- W.W.5 Sh. C. Madurai [SDE (Groups), Kalpakkam]

##### II Party/Management

- M.W.1 Sh. P. Chandrasekar [(DE (Legal & Commercial)]

#### Documents Marked (Common)

##### I Party/Workman

- W1 Series (7) — Service Certificates issued to Sh. V. Santhanam
- W2 Series (3) — Service Certificates issued to Sh. S. Arputharaj
- W3 Series (8) — Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management

- M1 — Xerox copy of M.R. No. 19/05850
- M2 — Xerox copy of M.R. No. 06216/8

नई दिल्ली, 4 फरवरी, 2002

**का. आ. 721.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ जनरल मैनेजर, टेलीकॉम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 55/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-02-2002 को प्राप्त हुआ था।

[ सं. एल-40012/479/99-आई. आर. (डी. यू.) ]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 4th February, 2002

**S.O. 721.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 55/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Chief General Manager, Telecom and their workman, which was received by the Central Government on 04-02-2002.

[No. L-40012/479/99-IR (DU)]

KJLDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM -LABOUR COURT, CHENNAI

Monday, the 31st December, 2001

Present: K. KARTHIKEYAN,  
Presiding OfficerINDUSTRIAL DISPUTE NO. 55/2001  
(Tamil Nadu State Industrial Tribunal I.D.No.63/2000)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri M. Ramaraj and the Management of the General Manager, Telecommunications, Kancheepuram Distt. Chennai.)

**BETWEEN**

Sri M. Ramaraj : I Party/Workman

AND

The General Manager,  
Telecommunications,  
Kancheepuram Dist.  
Chennai. : II Party/ Management

Appearance :

For the Workman : M/s.M. Gnanasekar,  
C. Premavathi and  
G. Manjula, AdvocatesFor the Management : Sri R. Kanniappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2 (A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. 40012/479/99/IR (DU) dated 13.03.2000.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 63/2 000. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No.55/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 24.01.2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26.12.2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

**AWARD**

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the Chief General Manager, Telecom, Chennai in terminating the services of Shri M. Ramaraj, casual mazdoor is justified? If not to what relief he is entitled?”

2. The facts of the industrial dispute are briefly as follows :—

The I Party/Workman Sri M. Ramaraj (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) from 01.02.1984. He was working as Casual Labour from 01.02.1984 to 19.10.1987 in the Office of the Sub Divisional Officer, Telegraphs, Kancheepuram. Thereafter he was working as Casual Labour from 1.11.87 to 4.8.91 in the Office of the Assistant Engineer Co.-Axial Equipment Division, Chennai. The nature of the work of the Petitioner was attending cable fault laying cables, front line work digging poles etc. Thereafter the Petitioner was working from 1.4.1995 to 15.05.1995 in the Office of the Sub Divisional Engineer, Wireless, Madras Radio, Tiruvottiyur P.O. Chennai. He was paid nominal wages. The Petitioner was receiving a salary of Rs.1600/- at the time of his termination. Sub Divisional Engineer, Wireless, Madras Radio, Tiruvottiyur by his order dated 15.5.1995 terminated the services of the Petitioner. The Petitioner has put in 1645 number of days of service He was getting Rs. 60 at the time of termination. Though the Petitioner has been continuously working with the Respondent, his services had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the

department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 16.06.1995 and, when he approached the concerned authority, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work which is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio and void and the Petitioner is deemed to be continuous in service and therefore, entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against Regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour and his contention about continuous working with the Respondent/Department and put in the said number of days of service and the alleged termination of the Petitioner from service and the said date. It is further alleged that Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 1995 for a period of 40 days only. The department used to engage persons like the Petitioner when they approached the concerned officer for the above mentioned casual work and they also used to engaged for such type of casual work on daily rated wages basis. Since the work order of the MR come to an end and since there was no work, the persons like Petitioner was not further engaged hence, the question of appointment, termination and continuance of service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Petitioner will be taken back to service by the Respondent/Telecom Department. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are—

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D.No. 157/2001, Sri S. Arputharaj, Petitioner in I.D.No. 195/2001, Sri P. Magesh Babu, Petitioner in I.D.No. 184/2001 and S/Sri M. Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is —

"Whether the action of the Chief General Manager, Telecom, Chennai in terminating the services of Shri M. Ramaraj, casual mazdoor is justified? If not to what relief he is entitled?"

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint

trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. Their further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P. Chandrasekar has been examined as MW1. According to the Petitioners, they were engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1985 and worked continuously till 1995 as they have stated in their respective Claim Statements. It is their further allegation in the Claim

Statement that all of a sudden they were terminated and the action of the Respondent/Management Telecommunication Department in terminating them from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal they must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1985. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1985 to 1994 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated

in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that this Petitioner has not worked continuously from 1984 to 1985. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further those service certificates have not been proved by the Petitioners by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued

those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these thing in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that they have been created by these Petitioners for the purpose of these cases as it is contended by the Respondent/Management. From the available materials, it is seen that Petitioners were not employed by the Respondent/Management in regular course and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under Section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### **Witnesses Examined (Common)**

##### **I Party/Workman**

- W.W.1 - Sh. V. Santhanam (Petitioner in I.D. 157/2001)
- W.W.2 - Sh. S. Arputharaj (Petitioner in I.D. 195/2001)
- W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)
- W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom)
- W.W.5 - Sh. C. Madurai [SDE (Groups), Kalpakkam]

##### **II Party/Management**

- M.W. 1 - Sh. P. Chandrasekar [DE (Legal & Commercial)]

#### **Documents Marked (Common)**

##### **I Party/Workman**

- W1 Series (7) - Service Certificates issued to Sh. V. Santhanam
- W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj
- W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu

##### **II Party/Management**

- M1 - Xerox copy of M.R. No. 19/05850
- M2 - Xerox copy of M.R. No. 06216/8



नई दिल्ली, 5 फरवरी, 2002

**का.आ. 722.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/162 ऑफ 1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-2002 को प्राप्त हुआ था।

[ सं. एल-40012/16/99-आई आर-(डी यू) ]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 5th February, 2002

**S.O. 722.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-2/162 of 99) of the Central Government Industrial Tribunal/Labour Court No. 2, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Postal Deptt. and their workmen, which was received by the Central Government on 5-2-2002.

[No. L-40012/16/99-IR(DU)]  
KULDIP RAI VERMA, Desk Officer**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. II, MUMBAI****PRESENT :**

S N. SAUNDANKAR, Presiding Officer.

**REFERENCE NO. CGIT-2/162 OF 1999.****EMPLOYEES IN RELATION TO THE  
MANAGEMENT OF DEPARTMENT OF POST**The Senior Manager,  
Mail Motor Service,  
D/o Post, Worli,  
MUMBAI-400018.

AND

**THEIR WORKMEN**Sh S B Rajbhar,  
Tekarashi Baiithi,  
Chawl No. 3, Room No. 16,  
Near China Mills,  
Sewri,  
MUMBAI-400015.**APPEARANCES :**FOR THE EMPLOYER : Mr. V. Narayanan  
Advocate.FOR THE WORKMEN : Mr M.B. Anchan  
Advocate.**AWARD-PART-I**

Mumbai, Dated 6th December, 2001

The Government of India, Ministry of Labour, by its Order No. L-40012/16/99/IR(DU), dtd. 19/21-07-1999, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Dispute Act have referred the following Industrial Dispute for adjudication, to this tribunal.

"Whether the action of the management of Postal Deptt, Mumbai by dismissing the workman Shri S.B. Rajbhar from his service is legal and justified ? If not, what relief the workman is entitled to?"

2. Workman, Rajbhar was appointed as a mechanic in the Mail Motor service in postal department from 1-12-83. He had completed 10 years service. He was chargesheeted on 8-9-92 alleging that he had secured appointment as a mechanic by producing fake school leaving certificate involving questionable integrity in a manner unbecoming of Government servant in violation of sub-rule 1(I) and (iii) of Rule 3 of C.C.S. (Conduct) Rules, 1964. It is the contention of workman vide his Statement of claim (Exhibit-5) that the chargesheet given to him was kept blank and no witnesses were cited and that the management did not examine any witness during the course of the inquiry. It is his contention that Head Master of the school Elakhs Singh had reported that no such School Leaving Certificate was issued by the School authorities and three letters received from the education authorities Ajamgarh, Uttar Pradesh, were heavily relied upon during the course of the inquiry which were obtained behind his back and there by prejudice had caused to him. It is contended by workman that he had requested the inquiry office to allow him to produce Ambika Singh the then Head Master of the school, who had issued the certificate to him as the defence witness but it was rejected and concluded the inquiry on 31-7-05 holding the charge proved and that the disciplinary authority vide their letter dtd. 30-9-96 dismissed him from the service. It is contended that the workman had preferred departmental appeal, however, it was rejected on 25-2-97, and that revision against the said order before the Member, department of Posts, New Delhi was mechanically rejected, without giving him opportunity of hearing on 18-2-98. It is contended that workman before to SC community, he comes from Uttar Pradesh, the inquiry held against him was against the Principles of Natural Justice and therefor it be set aside.

3. Management, postal department resisted the claim of workman by filing Written Statement (Exhibit-7) contending that the inquiry was proper. It is contended that workman joined the service on 1-12-83 and that the case was referred for verification of the certificate and during the verification it was revealed that the workman had produced bogus certificate of his qualification from one school viz. Koylsa, Ajamgadh, based on the letter dt. 17-7-92 received from the District Basic Education Officer, Ajamgadh and based on that, department had chargesheeted him. It is contended that inquiry was started on 29-6-93 and before that workman was made to know to file relevant documents and the list of the witnesses to be examined, however, though he attended the inquiry and in spite of sufficient opportunity he did not give list of witnesses and that the verge of inquiry i.e. 9-6-94 he made on application for time to bring some documents and witnesses in his defence, to delay the proceedings and

therefore it was rejected by the inquiry officer. It is contended that the inquiry was fair and proper, and the Appellate authority in its discretion passed the appropriate order. Consequently management prayed to reject the claim of workman.

4. By Rejoinder (Exhibit-11) workman contended that the inquiry was once held, when he was on leave. Inquiry was a farce. He was appointed in 1983 and the inquiry was made on this allegation of producing fake certificate of educational qualification on 8-9-92. Consequently reiterating the recitals in the Statement of Claim, he opposed the recitals in the Written Statement.

5. On the basis of the pleadings, my learned predecessor framed preliminary issues at Exhibit-9. Workman filed affidavit by way of Examination-in-Chief (Exhibit-14) and after his cross-examination closed evidence vide purshits (Exhibit-15). Deputy Manager, Mr. Kulkarni on behalf of the postal department filed affidavit (Exhibit-16) and closed evidence vide purshits (Exhibit-21). Workman filed his written submissions (Exhibit-22) and the management (Exhibit-23). On perusing the record as a whole, the written submissions and hearing the counsels at length, I record my findings on the following preliminary issues for the reasons mentioned below :

#### Issues

#### Findings

- |   |     |
|---|-----|
| 1. Whether the domestic inquiry which was conducted against the workman was against the principles of Natural Justice ? | No. |
| 2. Whether the findings of the inquiry officer are perverse ?   | No. |

#### REASONS

6. Admittedly workman, Rajbhar was appointed as a mechanic in mail motor service since 1983 and that he was chargesheeted for producing fake school leaving certificate in the year 1992. According to the workman, inquiry is improper as the three letters from the education authorities, Ajamgadh on the basis of which his integrity was questioned was obtained behind his back and that he was not given opportunity to examine the witnesses named in the statement of claim, and that he was not given sufficient opportunity during the inquiry. Management witness Kulkarni denied the same. According to him inquiry was commenced in 1993 and ended in 1995 and during this period, though sufficient time was given he did not move to examine the witness by adopting delaying tactics. On perusal of the proceedings of the inquiry filed with list (Ex-9) it is seen the chargesheet was given to the workman-delinquent on 8-9-92. Actually the inquiry was held on 29-6-93, 14-1-94, 3-2-94, 19-5-94, 9-6-94 and 8-6-95 and except two dates, he attended the inquiry. Workman admits in his cross-examination that he participated in the inquiry, however, did not give application in writing to the inquiry officer till 6th September '94 that he has to examine the witnesses. When according to him inquiry was started on 29-6-93, if really intended to examine the witnesses, he should have infact by way of reply to the chargesheet and at the latest in the beginning of the inquiry disclosed the names of the witnesses. However it seems, for the first time, in the year 1994 i.e. on the verge of completion of the inquiry he

appears to have requested for examining defence witnesses, which is obviously with a view to protract the inquiry. The Learned Counsel Mr. Anehan for the workman submits that management did not examine any witness which had occasioned prejudice to the workman. According to management, their case is based on the documentary evidence. If that is so, it was for the workman to examine the persons concerned, disclosing their names in the beginning. However, workman failed to do so, for which, inquiry officer cannot be blamed. On plain reading of the chargesheet dtd. 8-9-92, shows workman was asked to produce the list of witnesses and further it is seen, the workman was again asked to produce the list before 6-8-93, 3-2-94 and 14-2-94. If that is so hardly lie in the mouth of workman that he was not given opportunity to examine the witnesses. It is seen from the cross-examination of workman he participated in the inquiry. It is not his case that he did not receive the copies of the three letters referred to above. Therefore there is no substance in saying that those letters were obtained behind his back and thereby prejudice caused to him.

7. It is seen from the cross-examination of management's witness Mr. Kulkarni, two inquiry officers were appointed viz. Mr. Sukumaran and Thomas. It is not the case of workman that he was not made to know the change in the inquiry officer. Since he participated in the inquiry, it is apparent that he had knowledge on the inquiry officer and the procedure. Therefore there is no substance in saying that, that caused him injustice, which infact, not pleaded by the workman.

8. As stated above inquiry of the chargesheet dtd. 8-9-92 ended in 1995 and that on 31-7-95 inquiry officer submitted his report. Therefore it cannot be said that inquiry was held hurriedly without giving opportunity to the workman. Their Lordships of the Supreme Court in *Sur Enamel and Stamping Works Ltd. Vs. Their Workmen* 1963 II LLJ SCC, page 367 pointed out that :—

“Inquiry cannot be said to have been properly held unless :

- (i) the employee proceeded against has been informed clearly of the charges levelled against him,
- (ii) the witnesses are examined-ordinarily in the presence of the employee in respect of the charges.
- (iii) the employee is given a fair opportunity to cross-examine witnesses.
- (iv) he is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter and,
- (v) the enquiry officer records his findings with reasons for the same in his report.

On going through the record, I find the management did not act contrary to above points. On perusal of the record as a whole and the ruling, hardly can be said that the inquiry was held against the Principles of Natural Justice and fair play. Therefore issue No. 1 is answered in the negative. So far the findings of the inquiry officer are concerned workman nowhere stated that those are perverse. The workman was charged for seeking appointment as mechanic by producing fake certificate involving



“Whether the action of the management of Telecom in terminating the services of Sri M. Raman as casual mazdoor is legal and justified ? If not, to what relief, the workman is entitled ?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri M. Raman (hereinafter refers to as petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as respondent) on 01-10-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the petitioner has been continuously working with the respondent, and has put in 1289 days of service he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom department failed to confer temporary status on the petitioner under the said scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f 25-06-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The petitioner was waiting for orders from the Respondent/Telecom Department regarding his reengagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the petitioner continuous, there is no reason or justification for denying the employment to the petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the petitioner and the respondent failed to follow the principles of natural justice. No enquiry was conducted and the petitioner was not given any opportunity before his services were discontinued. The petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of section 25F of the Industrial Disputes Act, 1947. Further, the petitioner was not given any notice or compensation in terms of the said provision of Industrial disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The respondent ought to have conferred temporary as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Departments action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01.10.1984 and his contention about continuous working with the Respondent/Department for a period of 1289 number of days of service and the alleged termination of the Petitioner from service on 25.06.1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 1995 less than 240 days. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the

question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are:—

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D.No. 157/2001, Sri S. Arputharaj Petitioner in I.D.No. 195/2001, Sri P. Magesh Babu, Petitioner in I.D.No. 184/2001 and S/Sri M. Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

## 5. The Point for my consideration is —

“Whether the action of the management of Telecom in terminating the services of Sri M.Raman as casual mazdoor is legal and justified? If not, to what relief, the workman is entitled?”

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. WW1 series to WW3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion

that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P.Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his claim statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the respondent/Management and also the evidence of MW1 the service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days

in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status as mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous or and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service

certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### **Witnesses Examined (Common)**

##### **I Party/Workman**

W.W.1 - Sh. V. Santhanam (Petitioner in I. D. 157/2001).

W.W.2 - Sh. S. Arputharaj (Petitioner in I.D. 195/2001).

W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001).

W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom).

W.W.5 - Sh. C. Madurai [SDE (Groups), Kalpakkam].

##### **II Party/Management**

M.W.1 - Sh. P. Chandrasekar [DE (Legal & Commercial)].

**Documents Marked (Common)****I Party/Workman :**

W1 Series (7) - Service Certificates issued to Sh. V. Santhanam.

W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj.

W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu.

**II Party/Management :**

M1 - Xerox copy of M.R. No. 19/05850.

M2 - Xerox copy of M.R. No. 06216/8.

नई दिल्ली, 5 फरवरी, 2002

**का.आ. 724.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार करेंसी नोट प्रैस के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-2 मुंबई के पंचाट (संदर्भ संख्या सी.जी.आई.टी. नं. 2/99 ऑफ 2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-2002 को प्राप्त हुआ था।

[सं. एल-16011/4/2001-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 5th February, 2002

**S.O. 724.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/99 of 2001) of the Central Government Industrial Tribunal/Labour Court No.-2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Currency Note Press and their workman, which was received by the Central Government on 5-2-2002.

[No. L-16011/4/2001-IR(DU)]

KULDIP RAI VERMA, Desk Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. II,  
MUMBAI**

(CAMP : NASIK)

**PRESENT :**

S.N. SAUNDANKAR, Presiding Officer

**REFERENCE NO. CGIT-2/99 OF 2001.**

**EMPLOYERS IN RELATION TO THE  
MANAGEMENT OF**

**THE GENERAL MANAGER,  
Currency Note Press,  
Nasik Road,  
NASIK (MAHARASHTRA)-422 101.**

**AND**

**THEIR WORKMEN**

The Working President,  
All India Federation of SC/ST Emp. Association  
C/o ISP Staff Qtrs. New Quarter No. ID  
Nasik Road,  
NASIK (MAHARASHTRA)-422 101.

**APPEARANCES :**

**FOR THE EMPLOYER :** Mr. K.R. Yelwe,  
Adv. holding for  
Mr. Masurkar  
Mr. M. V. Nagare  
Representative.

**FOR THE WORKMEN :** No Appearance.

**CAMP : NASIK, dated 14th December, 2001**

**AWARD**

The Government of India, Ministry of Labour, by its Order No. L-16011/4/2001/IR(DU), dtd. 28/6/2001 and 24/8/2001, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, have referred the following industrial dispute to this tribunal for adjudication.

“Whether the action of the management of Currency Note Press, Nasik Road in not granting Special Allowance to Inspectors Assistant Inspectors accompanying treasury wagons and not paying them TA/DA as paid to their counterparts in RBI is legal and justified? If not, what relief the workman concerned are entitled to?”

2. On receipt of the reference notices were sent to the management and the union. However, on 1/10/2001, Advocate Ms. Mestry, holding for management appeared and that the union though served vide (Exhibit-6) did not appear. Since the matter pertains to Nasik it was kept at Nasik with due notice to the parties vide (Exhibit-9 & 10) on 12/12/2001. However, on that date also none appeared on behalf of the union, though Advocate Shri Yelwe holding for management was present. Later on the matter was adjourned to 13/12/2001, and eventually to date. However, none present on behalf of the union, which indicate that the union is not interested in prosecuting the matter. Therefore, the following order is passed :—

**ORDER**

Reference stands disposed of for non-prosecution.

S.N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 5 फरवरी, 2002

**का.आ. 725.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल सिल्क बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचाट (संदर्भ संख्या 23/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-2002 को प्राप्त हुआ था।

[सं. एल-42012/284/99-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 5th February, 2002

**S.O. 725.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 23/2000) of the Central Government Industrial Tribunal/Labour Court Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Silk Board and their workman, which was received by the Central Government on 5-2-2002.

[No. L-42012/284/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT,  
BANGALORE

Dated : 31st January, 2002

PRESENT :

HON'BLE SHRI V.N. KULKARNI, B. Com. LLB,  
PRESIDING OFFICER  
CGIT-CUM-LABOUR COURT, BANGALORE.

**C.R. NO. 23/2000**

### I PARTY

President  
Central Silk Board  
Employees Union,  
C/o, Manjunatha Stores,  
No. 268/2,  
III Main, Pipeline West,  
Kasturbanagar,  
Mysore Road,  
Bangalore-560026  
(Karnataka)

### II PARTY

The Member Secretary,  
Central Silk Board,  
Central Silk Board, Complex,  
IV Floor, BTM Lay out,  
Hosur Road,  
Madivala,  
Bangalore-560068

### AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/284/99/IR(DU) dated 3rd March 2000 for adjudication on the following schedule.

### SCHEDULE

“Whether the claim of Central Silk Board Employees Union that Shri Nagaraju, former Casual Labourer was engaged directly by the National Silkworm Seed Production Centre, K.R. Nagar is maintainable ? If so, the claim of the Union for his regularization and reinstatement is maintainable ? If not, to what relief the workman is entitled ?”

2. The first party union workman was working with the Second Party. The union has raised dispute for regularization of the workman and therefore, Industrial Dispute is raised.

3. After the issue of the notices only management appeared and filed Vakalat of the Advocate.

4. It is not known as to why the workman and the union are absent throughout. Number of adjournments are given but the First Party union and the workman remained absent.

5. No purpose will be served if the dispute is kept pending. It appears that the union and the workman are not interested in this dispute and therefore, I proceed to pass the following Order :

### ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 31st January 2002)

V.N. KULKARNI, Presiding Officer

नई दिल्ली, 5 फरवरी, 2002

**का.आ. 726.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल सिल्क बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचाट (संदर्भ संख्या 81/97, 83-84/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-2002 को प्राप्त हुआ था।

[सं. एल-42012/113/94-आई आर (डीयू)]

सं. एल-42012/112/94-आई आर (डीयू)

सं. एल-42012/184/94-आई आर (डीयू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 5th February, 2002

**S.O. 726.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 81/97, 83-84/97) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Silk Board and their workman, which was received by the Central Government on 5-2-2002.

[Nos. L-42012/113/94-IR(DU)

L-42012/112/94-IR(DU)

L-42012/184/94-IR(DU)]

KULDIP RAI VERMA, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT,  
BANGALORE

Dated : 16th January, 2002

PRESENT :

HON'BLE SHRI V.N. KULKARNI, B. Com.  
L.L.B., Presiding Officer

**COMMON AWARD****C.R. NO. 81/97****I PARTY**

Shri Jayappa,  
S/o Shri Nathappa,  
H. Mangasandra,  
Kasaba Hobli,  
Gowribidanpur Taluk,  
Kolar District

**II PARTY**

The Member Secretary,  
Central Silk Board,  
Govt. of India,  
5th Floor,  
CSB Complex,  
BTM Layout,  
Madiwala,  
Hosur Road,  
Bangalore-560068

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/113/94/IR(DU) dated 3rd October 1995 for adjudication on the following Schedule :

**SCHEDULE**

“Whether the management of Central Silk Board is justified in threatening the workman, Shri Jayappa which caused termination of his services from January, 1987 ? If not, to what relief he is entitled to and from which date ?”

**C.R.No. 83/97****I PARTY**

Shri Anjinappa,  
S/o Chickkanarayanappa,  
Bullahalli Village,  
Harohalli Post,  
Devanahalli Taluk,  
Bangalore Rural District.

**II PARTY**

The Member Secretary,  
Central Silk Board,  
Govt. of India,  
5th Floor,  
CSB Complex,  
BTM Layout,  
Madiwala,  
Hosur Road,  
Bangalore-560068

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. 42012/112/94-IR(DU) dated 8th November, 1995 for adjudication on the following Schedule:

**SCHEDULE**

“Whether the management of Central Silk Board is justified in discontinuing Shri Anjinappa from work w.e.f. 16th December 1993? If not, to what relief Shri Anjinappa is entitled to and from which date?”

**C.R.NO. 84/97****I PARTY**

Shri C. Subramanyan Swamy,  
Vivekananda Colony,  
Gouribidanur Taluk- 561208  
Kolar District  
Karnataka

**II PARTY**

The Member Secretary,  
Central Silk Board,  
Govt. of India,  
5th Floor,  
CSB Complex,  
BTM Layout,  
Madiwala,  
Hosur Road,  
Bangalore-560068

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. 42012/184/94-IR(DU) dated 30th November 1995 for adjudication on the following Schedule:

**SCHEDULE**

“Whether the management of Central Silk Board is justified in denying work to C. Subramanyan, Casual Labourer of SSPC Gowribidanur w.e.f. January 1990? If not, what relief the workman is entitled to?”

2. These 3 cases are kept clubbed as per the requests made by the parties. Common evidence was recorded except some changes in C.R. No. 83/97.

3. I have heard the learned counsels appearing for the management. Mr. Satyanarayana has appeared for the workman in all these 3 cases has filed retirement memo.

4. It is seen from the records that since a long time workmen were absent.

5. The workmen in these 3 cases were working with the management and they were threatened and it caused termination and therefore Industrial Dispute is raised.

6. In C.R. No. 83/97 management discontinued the services. In C.R. No. 84/97 management denied the work and therefore dispute is raised.

7. Parties appeared and filed Claim Statement and Counter respectively.

8. In C.R. No. 81/97 the case of the workman is as follows:

9. It is the case of the workmen that he was working with the management's Gowribidanur Grainage since 1979-80 as a Labourer and was discharging duties most honestly, diligently and to the best of the satisfaction of the superiors but the management terminated his services w.e.f. January 1987. The work was of a perennial and continuous nature and the wage was being paid by the management directly after obtaining a stamped money receipt. He was working under the direction, control and supervision of Shri Som Reddy, S.R.A. at Hindupur. All of a sudden the work was stopped and the action of the management is not correct because it amounts to retrenchment and mandatory provisions of Industrial Dispute Act as stated in para 9 of the Claim Statement are not followed.

10. In C.R. No. 83/97 the case of the workman is that he was engaged in the Chawki Rearing Centre, Harohalli on 1-2-1991 and he was illegally discharged w.e.f. 16-12-93. He had put in 3 years of unblemished service. His service was continuous. He was paid Rs. 400 per month for working all the days in month. The workman approached the ALC(C), K.G.F. but nothing is happened.

11. It is also said that workman is suffering a lot to maintain the livelihood of himself and his family members. The action of the management is not correct. Mandatory provisions are not followed.

12. In C.R. No. 84/97 the case of the workman is as follows:



13. He was engaged as Casual Labourer from 7-1-1988 and he was discharging duties. He was continuously working from 7-1-1988 to January 1990 without any break. His services were terminated illegally. Conciliation proceedings failed. The action of the Management is not correct and the management has not filed the mandatory provisions of Section 25-F clauses (a) and (b) of the Industrial Disputes Act, 1947 and the action of the management is not correct.

14. It is seen from the records that the management appeared and filed Counter.

15. In C.R. No. 81/97 it is stated that it is not a dispute under the meaning of Section 2k of the Industrial Dispute Act. Schedule 2 or 3 provides for a reference in terms of Section 10 read with Section 2(k) of the Act. The true facts are that the second party is a Statutory Board having its office at Bangalore. The SSPC, Gowribidanur which was engaged in preparing disease free silk worm eggs and selling scientifically tested laying to farmers at subsidised rates for development of Sericulture Industry. It required Casual Labourers and they were engaged and the work was causal in nature. Workman was engaged temporarily on daily wages. The said project was temporary one and it was not a permanent project providing for permanency to any workman. Therefore, question of taking any action does not arise. The first party workmen have not continuously worked for 240 days as per the records.

16. It is the further case of the management that the first party left the work on his own and never returned to the work. On completion of the said project the grainage centre itself has been closed. Even according to the first party he has worked up to January 1987 and thereafter the second party has not provided the work. The Central Govt. has made a reference in the year 1995. There is delay in making this reference. The main contention of the management is that on completion of the project the grainage centre itself has been closed and therefore the question of retrenchment and violation of Section 2(oo) and Section 25-F of the I.D. Act does not arise at all. Management has prayed to reject the reference.

17. In C.R. No. 83/97, the management has filed Counter. The case of the management is that it had launched a project known as 'National Sericulture Project'. The scheme of the project is stated in detail in para 2 of the Counter.

18. It is the further case of the management that the dispute is not an Industrial Dispute. There is no relationship of master and servant between the parties. The management is justified in discontinuing his service on facts and circumstances of the case. Management for these reasons and for some other reasons has prayed to reject the reference.

19. In C.R. No. 84/97 the case of the management is as follows:

20. Many of the grounds alleged are similar to the ground alleged in 2 other references. The main contention of the management again is that the project is a temporary one and it was not a permanent project providing for permanency to any workman. All other contentions are similar.

21. It is seen from the records that common evidence were recorded as requested by the counsels. Evidence is

recorded in C.R. No.83/97 and were requested the same evidence may be treated as evidence in other cases.

22. Management in order to prove the case examined MW1, Mr. Dasappa, Asstt. Director. He has given detailed evidence. They take villagers as representative of farmer to do the work of Sericultural activities. His further evidence is that the workmen were taken on temporary basis for National Silk Worm Project and no attendance was maintained. He was not an employee. His further evidence is that the project was closed in 1993. Nothing is made out from his cross examination to disbelieve his evidence. From the above evidence it is abundantly clear that the workmen were engaged as Casual Labourers for temporary project work. Adjournments were granted on request of the counsel. Ultimately the counsel appearing for the workmen has filed memo and he took adjournment and intimated the workman but workmen has not attended the court. Therefore I have heard the arguments.

23. I have carefully considered the evidence of MW1 and the documents relied by the management. It is also in the evidence of MW1 that Appointment Order was not given.

24. For the reasons best known to the first party workmen they have remained absent and they have not given evidence.

25. I have read the decision of the High Court of Karnataka in Writ Appeal No.7505/99 C/W W.A. No.7506, 7507, 7508,7509, 7510,7511,7512, 7513, 7514, 8011 and W.A. 8012 of 1999. The facts of these 3 cases are similar to the facts of the above Writ Appeals. It is categorically held in the above writ appeals that the workman concerned had been engaged on daily wages only for the purpose of completion of the project undertaken by the Telecom Department for laying Co-axial cables in the Belgaum District. It is also said that the said project had been completed in 1986-87 itself.

26. Keeping in mind the principles held in the above decisions, I am of the opinion that in these 3 cases the workmen were engaged as Casual Labourer for a particular project.

27. It is in the records that the particular project has been closed long back and the workmen have no right to continue as casual labourer.

28. Taking all this into consideration, I proceed to pass the following Order:

### ORDER

The references in CR No.81/97, 83/97 and 84/97 are rejected. Keep the copy of this Award in CR No.83/97 and CR No. 84/97.

(Dictated to PA transcribed by her corrected and signed by me on 16th January 2002.)

V.N. KULKARNI, Presiding Officer

नई दिल्ली, 5 फरवरी, 2002

का.आ. 727. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच,



अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 197/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-2002 को प्राप्त हुआ था।

[सं. एल-40012/122/99-आई आर (डीयू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 5th February, 2002

**S.O. 727.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government here by publishes the award (Ref. No. 197/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 5-2-2002.

[No. L-40012/122/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 31th December, 2001

Present: K. KARTHIKEYAN,  
Presiding Officer

INDUSTRIAL DISPUTE NO. 197/2001  
(Tamil Nadu State Industrial Tribunal I.D.No.234 /99 )

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri R. Yuvaraj and the General Manager, Telecommunications, Kancheepuram Dist. Chennai.)

#### BETWEEN

Sri R. Yuvaraj : I Party/Workman

#### AND

The General Manager, : II Party/Management  
Telecommunications,  
Kancheepuram Dist. Chennai.

#### Appearance:

For the Workman : M/s.M.Gnanasekar,  
C.Premavathi &  
G.Manjula,  
Advocates

For the Management : Sri R.Kanniappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2 (A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No.L- 40012/122/99/IR(DU) dated 25-08-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 234/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 197/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 06-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, counter statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:-

“Whether the demand of the workman Sri R. Yuvaraj for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual mazdoor is legal and justified? If not, to what relief he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri R. Yuvaraj (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 14-12-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1138 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25.06.1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by

the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis. The department used to engage persons like the Petitioner as and when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for

his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V.Santhanam, Petitioner in I.D.No. 157/2001, Sri S.Arputharaj, Petitioner in I.D.No. 195/2001, Sri P.Magesh Babu, Petitioner in I.D.No. 184/2001 and S/Sri M.Kannappan and C.Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P.Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is —

"Whether the demand of the workman Sri R.Yuvaraj for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual mazdoor is legal and justified? If not, to what relief he is entitled?"

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into

Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, an requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P.Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were

terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1985 to 1994 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW 1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never

worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for

which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, President Officer

#### Witnesses Examined (Common)

##### I Party/Workman

W.W.1 - Sh. V. Santhanam (Petitioner in I.D. 157/2001)

W.W.2 - Sh. S. Arputharaj (Petitioner in I.D. 195/2001)

W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)

W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom)

W.W.5 - Sh. C. Madurai [SDE (Groups), Kalpakkam]

##### II Party/Management

M.W.1 - Sh. P. Chandrasekar [DE (Legal Commercial)]

#### Documents Marked (Common)

##### I Party/Workman

W1 Series (7) - Service Certificates issued to Sh. V. Santhanam

W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj

W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management

M1 - Xerox copy of M.R. No. 19/05850

M2 - Xerox copy of M.R. No. 06216/8

नई दिल्ली, 5 फरवरी, 2002

का. आ. 728.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 187/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-2002 को प्राप्त हुआ था।

[सं. एल-40012/121/99-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 5th February, 2002

S.O. 728.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 187/

2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 5-2-2002.

[No. L-40012/121/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
CHENNAI

Monday, the 31st December, 2001

Present : K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 187/2001

(Tamil Nadu State Industrial Tribunal I.D.No. 210/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri S. Mani and the General Manager, Telecommunications, Kancheepuram Dist. Chennai.)

### BETWEEN

Shri S. Mani : I Party/Workman

### AND

The General Manager : II Party/Management  
Telecommunications,  
Kancheepuram Dist. Chennai.

### Appearance :

For the Workman : M/s. M. Gnanasekar,  
C. Premavathi & G.  
Manjula, Advocates

For the Management : Sri R. Kannappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/121/99/IR(DU) dated 25-8-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 210/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 187/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 06-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement,

Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager Telecommunications, Chengalpattu in terminating the services of Shri S. Mani, casual mazdoor is legal and justified? If not, to what relief, he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows:—

The I Party/Workman Shri S. Mani, (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-12-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1400 days of service he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-06-1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against

regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and an Additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour.

It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages only. The department used to engage persons like the Petitioner as and when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the

Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D.No. 157/2001, Sri S. Arputharaj, Petitioner in I.D.No. 195/2001, Sri P.Magesh Babu, Petitioner in I.D.No. 184/2001 and S/Sri M.Kannappan and C.Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P.Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is —

"Whether the action of the General Manager Telecom munications, Chengalpattu in terminating the services of Sri S. Mani, casual mazdoor is legal and justified? If not, to what relief, the workman is entitled?"

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim - made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they



have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P. Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners

themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1985 to 1994 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were

given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

## Witnesses Examined (Common)

### I Party/Workman :

W.W.1 - Sh. V. Santhanam (Petitioner in I. D. 157/2001)

W.W.2 - Sh. S. Arputharaj (Petitioner in I.D. 195/2001)

W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)

W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom)

W.W.5 - Sh. C. Madurai [(SDE (Groups), Kalpakkam)]

### II Party/Management :

M.W.1 - Sh. P. Chandrasekar [(DE (Legal & Commercial)]

## Documents Marked (Common)

### I Party/Workman

W1 Series (7) - Service Certificates issued to Sh. V. Santhanam

W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj

W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu

### II Party/Management :

M1 - Xerox copy of M.R. No. 19/05850

M2 - Xerox copy of M.R. No. 06216/8

नई दिल्ली, 5 फरवरी, 2002

का. आ. 729.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्सई के पंचाट (संदर्भ संख्या 184/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-2002 को प्राप्त हुआ था।

[सं. एल-40012/118/99-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 5th February, 2002

S.O. 729.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 184/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 5-2-2002.

[No. L-40012/118/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer



## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
CHENNAI

Monday, the 31st December, 2001

PRESENT :

K. Karthikeyan, Presiding Officer

Industrial Dispute No. 184/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 204/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri P. Mahesh Babu and the General Manager, Telecommunications, Kancheepuram Dist. Chennai.)

## BETWEEN

Shri P. Mahesh Babu : I Party/Workman

AND

The General Manager,  
Telecommunications,  
Kancheepuram Dist. Chennai. : II Party/Management

APPEARANCE :

For the Workman : M/s. M. Gnanasekar,  
C. Premavathi & G.  
Manjula, Advocates

For the Management : Sri R. Kanniappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/118/99/IR(DU) dated 25-8-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 204/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 184/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 06-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

## AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager Telecommunications, Chengalpattu in terminating the services of Sri P. Mahesh Babu, casual mazdoor is legal and justified? If not, to what relief, he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri P. Mahesh Babu, (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-03-1985 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.7.25 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 2005 number of days of service he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 13-05-1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is *ab initio* void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and an Additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01-03-1985 and his contention about continuous working with the Respondent/Department for a period of 2005 number of days of service and the alleged termination of the Petitioner from service on 13-05-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a period of 109 days only during 1995. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by

the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D.No. 157/2001, Sri S. Arputharaj, Petitioner in I.D.No. 195/2001, Sri P. Magesh Babu, Petitioner in I.D.No. 184/2001 and S/Sri M.Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P.Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/ Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is—

“Whether the action of the General Manager Telecom munications, Chengalpattu in terminating the services of Sri P. Mahesh Babu, casual mazdoor is legal and justified? If not, to what relief, he is entitled?”

Point :-

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further

contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P. Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes

Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1994 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work

for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the

available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman :

- W.W.1 - Sh. V. Santhanam (Petitioner in I. D. 157/2001)
- W.W.2 - Sh. S. Arputharaj (Petitioner in I.D. 195/2001)
- W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)
- W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom)
- W.W.5 - Sh. C. Madurai (SDE (Groups), Kalpakkam)

##### II Party/Management :

- M.W.1 - Sh. P. Chandrasekar (DE (Legal & Commercial))

#### Documents Marked (Common)

##### I Party/Workman

- W1 Series (7) - Service Certificates issued to Sh. V. Santhanam
- W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj
- W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management :

- M1 - Xerox copy of M.R. No. 19/05850
- M2 - Xerox copy of M.R. No. 06216/8

नई दिल्ली, 5 फरवरी, 2002

का.आ. 730.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 188/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-2002 को प्राप्त हुआ था।

[सं. एल-40012/117/99-आईआर(डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 5th February, 2002

S.O. 730.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 188/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government 5-2-2002.

[No. L-40012/117/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 31<sup>st</sup> December, 2001

Present :

K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 188/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 219/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri R. Munusamy and the General Manager, Telecommunications, Kancheepuram Dist. Chennai.)

#### BETWEEN

Sri R. Munuswamy : I Party/Workman

AND

The General Manager : II Party/Management  
Telecommunications,  
Kancheepuram Distt.  
Chennai.

#### APPEARANCE :

For the Workman : M/s. M.  
Gnanasekar,  
C. Premavathi &  
G. Manjula,  
Advocates

For the Management : Sri R. Kannappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/117/99-IR(DU) dated 25-08-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 219/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 188/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 06-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Sri R. Munuswamy, casual mazdoor is legal and justified? If not, to what relief he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri R. Munuswamy (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 14-12-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1891 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-06-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he

has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes, Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action is not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and an Additional Counter Statement denying the allegation of the Petitioner in the Claim Statement about his appointment as Casual Labour on 14-12-1984 and his contention about continuous working with the Respondent/Department for a period of 1891 number of days of service and the alleged termination of the Petitioner from service on 25-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages only for a period of 227 days during 1995. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are:—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary

status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D. No. 157/2001, Sri S. Arputharaj, Petitioner in I.D. No. 195/2001, Sri P. Magesh Babu, Petitioner in I.D. No. 184/2001 and S/Sri M. Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is :—

“Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Shri R. Munuswamy, casual mazdoor is legal and justified? If not, to what relief he is entitled?”

Point :

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. WW1 series to WW3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the



service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P. Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created

by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1985 to 1994 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW 1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW 1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed

or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/

Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31<sup>st</sup> December, 2001.)

K. KARTHIKEYAN, President Officer

#### Witnesses Examined (Common)

##### I Party/Workman :

W.W.1 - Sh. V. Santhanam (Petitioner in I. D. 157/2001)

W.W.2 - Sh. S. Arputharaj (Petitioner in I.D. 195/2001)

W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)

W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom)

W.W.5 - Sh. C. Madurai (SDE (Groups), Kalpakkam)

##### II Party/Management :

M.W.1 - Sh. P. Chandrasekar [DE (Legal & Commercial)]

#### Documents Marked (Common)

##### I Party/Workman

W1 Series (7) - Service Certificates issued to Sh. V. Santhanam

W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj

W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management :

M1 - Xerox copy of M.R. No. 19/05850

M2 - Xerox copy of M.R. No. 06216/8

नई दिल्ली, 5 फरवरी, 2002

का.आ. 731.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध



में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 195/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-2002 को प्राप्त हुआ था।

[ सं. एल-40012/103/99-आईआर(डी यू) ]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 5th February, 2002

**S.O. 731.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 195/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 5-2-2002.

[No. L-40012/103/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 31<sup>st</sup> December, 2001

Present : K. KARTHIKEYAN,

Presiding Officer

INDUSTRIAL DISPUTE NO. 195/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 232/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri S. Arputharaj and the General Manager, Telecommunications, Kancheepuram Dist. Chennai.)

### BETWEEN

Sri S. Arputharaj : I Party/workman

### AND

The General Manager : II Party/Management  
Telecommunications.  
Kancheepuram Dist. Chennai.

### APPEARANCE

For the Workman : M/s. M. Gnanasekar,  
C. Premavathi &  
G. Manjula,  
Advocates

For the Management : Sri R. Kanniappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No.L-40012/103/99/IR(DU) dated 25-08-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No.232/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No.195/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 06-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, Counter statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the demand of the workman Sri S. Arputharaj for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual mazdoor is legal and justified ? If not, to what relief he is entitled ?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri S. Arputharaj (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-05-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1540 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-03-1995 and, when his services were terminated he was getting Rs.60/-as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/

Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is *ab initio* void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and an Additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01-05-1984 and his contention about continuous working with the Respondent/Department for a period of 1540 number of days of service and the alleged termination of the Petitioner from service on 25-03-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages only for a short spell during 1994-95. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by

the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D. No.157/2001, Sri S. Arputharaj, Petitioner in I.D. No.195/2001, Sri P. Magesh Babu, Petitioner in I.D. No.184/2001 and S/Sri M. Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workman have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is :—

"Whether the demand of the workman Sri S. Arputharaj for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual mazdoor is legal and justified? If not, to what relief he is entitled?"

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from

the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P. Chandrasekar has been examined as MW1. According to the petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them

from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1985 to 1994 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them

to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates from this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior

notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman :

W.W.1 - Sh. V. Santhanam (Petitioner in I. D. 157/2001)

W.W.2 - Sh. S. Arputharaj (Petitioner in I.D. 195/2001)

W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)

W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom)

W.W.5 - Sh. C. Madurai [SDE (Groups), Kalpakkam]

##### II Party/Management :

M.W.1 - Sh. P. Chandrasekar [DE (Legal & Commercial)]

#### Documents Marked (Common)

##### I Party/Workman

W1 Series (7) - Service Certificates issued to Sh. V. Santhanam

W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj

W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management :

M1 - Xerox copy of M.R. No. 19/05850

M2 - Xerox copy of M.R. No. 06216/8

नई दिल्ली, 5 फरवरी, 2002

का.आ. 732.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 198/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-2002 को प्राप्त हुआ था।

[सं. एल-40012/94/99-आईआर (डीयू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 5th February, 2002

**S.O. 732.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 198/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom. Dept. and their workman, which was received by the Central Government on 5-2-2001.

[No. L-40012/94/99-IR(DU)]

KULDEEP RAI VERMA, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVT.  
INDUSTRIAL TRIBUNAL CUM LABOUR COURT,  
CHENNAI

Monday, the 31st December, 2001

### PRESENT :

K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 198/2001

(Tamil Nadu State Industrial Tribunal  
I.D. No. 235/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(a) of Section 10 of the Industrial Dispute Act, 1947 (14 of 1947), between the Workman Sri S. Baladhandayutham and the General Manager, Telecommunications, Kancheepuram, Dist., Chennai.)

### BETWEEN :

Sri S. Baladhandayutham .... I Party/Workman

AND

The General Manager, : II Party/Management  
Telecommunications  
Kancheepuram Distt.  
Chennai.

### Appearance :

For the Workman : M/s. M. Gnanasekar,  
C. Premavathi &  
G. Manjula,  
Advocates

For the Management : Sri R. Kannniappan  
Addl. CGHC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No.L- 40012/94/99/IR(DU) dated 25-08-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 235/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has

been taken on file as I.D. No. 198/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 06-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the action of the General Manager, Telecommunication, Chennai, in terminating the services of Shri S. Baladhandayutham as casual mazdoor is legal and justified? If not, to what relief, he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows:—

The I Party/Workman Shri S. Baladhandayutham (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-03-1985 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1308 number of days of service he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-06-1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination

of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement. It is alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are: -

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V.Santhanam, Petitioner in I.D.No. 157/2001, Sri S.Arputharaj, Petitioner in I.D.No. 195/2001, Sri P.Magesh Babu, Petitioner in I.D.No. 184/2001 and S/Sri M.Kannappan and C.Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P.Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is—

"Whether the action of the General Manager, Telecommunications, Chenagalpattu in terminating the services of Shri S. Baladhandayutham casual mazdoor is legal and justified? If not, to what relief, he is entitled?"

Point :-

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. WW1 series to WW3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were



doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P. Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these

Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1985 to 1994 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the

particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the

Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman :

W.W.1 - Sh. V. Santhanam (Petitioner in I. D. 157/2001)

W.W.2 - Sh. S. Arputharaj (Petitioner in I.D. 195/2001)

W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)

W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom)

W.W.5 - Sh. C. Madurai (SDE (Groups), Kalpakkam)

##### II Party/Management :

M.W.1 - Sh. P. Chandrasekar [DE (Legal & Commercial)]

#### Documents Marked (Common)

##### I Party/Workman

W1 Series (7) - Service Certificates issued to Sh. V. Santhanam

W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj

W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management :

M1 - Xerox copy of M.R. No. 19/05850

M2 - Xerox copy of M.R. No. 06216/8

नई दिल्ली, 5 फरवरी, 2002

का.आ. 733.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 191/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-2002 को प्राप्त हुआ था।

[सं. एल-40012/93/99-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 5th February, 2002

S.O. 733.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 191/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in



the Industrial Dispute between the employers in relation to the management of Telecom. Deptt. and their workman, which was received by the Central Government on 5-2-2002.

[No. L-40012/93/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVT.  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
CHENNAI

Monday, the 31st December, 2001

### PRESENT :

K. Karthikeyan, Presiding Officer

INDUSTRIAL DISPUTE NO. 191/2001

(Tamil Nadu State Industrial Tribunal I.D.  
No. 222/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(a) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri J. Saravanan and the General Manager, Telecommunications, Kancheepuram, Dist. Chennai.)

### BETWEEN :

Sri J. Saravanan ..... I Party/Workman

AND

The General Manager, : II Party/Management  
Telecommunications  
Kancheepuram,  
Distt. Chennai.

### APPEARANCE :

For the Workman : M/s. M. Gnanasekar,

C. Premavathi &  
G. Manjula,  
Advocates

For the Management : Sri R. Kannappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L- 40012/93/99/ IR (DU) dated 25-08-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 222/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 191/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 06-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the demand of the workman Sri J. Saravanan for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual mazdoor is legal and justified? If not, to what relief, he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri J. Saravanan (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 18-03-1985 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1492 number of days of service he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-06-1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is *ab initio* void and the Petitioner is deemed to be in continuous in service and therefore, is

entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and an Additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 18-03-1985 and his contention about continuous working with the Respondent/Department for a period of 1492 number of days of service and the alleged termination of the Petitioner from service on 25-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work *i.e.* to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages only for a short spell during 1994-1995. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985,
2. He should be currently employed on the date of the implementation of Scheme *i.e.* 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral

evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D.No. 157/2001, Sri S.Arputharaj, Petitioner in I.D.No. 195/2001, Sri P.Magesh Babu, Petitioner in I.D.No. 184/2001 and Sri M.Kannappan and C.Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P.Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is -

"Whether the demand of the workman Sri J. Saravanan for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual mazdoor is legal and justified? If not, to what relief, he is entitled?"

Point :-

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house,

requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P.Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the

Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1985 to 1994 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by

the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent / Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/ Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/ Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman :

W.W.1 - Sh. V. Santhanam (Petitioner in I. D. 157/2001).

W.W.2 - Sh. S. Arputharaj (Petitioner in I.D. 195/2001).

W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001).

W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom).

W.W.5 - Sh. C. Madurai (SDE (Groups), Kalpakkam).

##### II Party/Management :

M.W.1 - Sh. P. Chandrasekar [DE (Legal & Commercial)]

#### Documents Marked (Common)

##### I Party/Workman :

W1 Series (7) - Service Certificates issued to Sh. V. Santhanam.

W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj.

W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu.

##### II Party/Management :

M1 - Xerox copy of M.R. No. 19/05850.

M2 - Xerox copy of M.R. No. 06216/8.

नई दिल्ली, 5 फरवरी, 2002

का. आ. 734.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 192/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-2002 को प्राप्त हुआ था।

[सं. एल-40012/92/99-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 5th February, 2002

S.O. 734.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 192/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation

to the management of Telecom Deptt. and their workmen, which was received by the Central Government on 5-2-2002.

[No. L-40012/92/99-IR/DU]

KULDIP RAI VERMA, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM -LABOUR COURT. CHENNAI

Monday, the 31st December, 2001

Present: K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 192/2001 (Tamil Nadu State Industrial Tribunal I.D.No. 223/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri R. Pandian and the General Manager, Telecommunications, Kancheepuram Distt. Chennai.)

### BETWEEN

Sri R. Pandian : I Party/Workman

### AND

The General Manager : II Party/Management

Telecommunications,

Kancheepuram Dist. Chennai.

### Appearances :

For the Workman : M/s. M. Gnanasekar,  
C. Premavathi & G. Manjula,  
Advocates

For the Management : Sri RKanniappan Addl.  
CGSC

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L- 40012/92/99/IR(DU) dated 25-08-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 223/99. When the matter was pending enquiry in that Tribunal, the Government of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 192/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 06-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and

this matter having stood over till this date for consideration, this Tribunal has passed the following: -

### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Government for adjudication by this Tribunal is as follows:-

“Whether the demand of the workman Sri R. Pandian for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual mazdoor is legal and justified? If not, to what relief he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows:-

The I Party/Workman Shri R. Pandian (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-08-1983 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1292 Number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-06-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is *ab initio void* and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's

action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and an Additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01.08.1983 and his contention about continuous working with the Respondent/Department for a period of 1292 number of days of service and the alleged termination of the Petitioner from service on 25.06.1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages only for a short spell during 1994-1995. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are: -

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989, and
4. There should not be a break for a period of more than one year

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly

and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D.No. 157/2001, Sri S. Arputharaj, Petitioner in I.D. No. 195/2001, Sri P. Magesh Babu, Petitioner in I.D. No. 184/2001 and S/Sri M. Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4, WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the zerox copy of the service certificates have been marked as Workman exhibits. On the side of the Management the zerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is---

"Whether the demand of the workman Sri R. Pandian for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual mazdoor is legal and justified? If not, to what relief he is entitled?"

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. WW1 series to WW3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW7 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the



Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P.Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service

certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1985 to 1994 are all bogus.

By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the

Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent / Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/ Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman :

W.W.1 - Sh. V. Santhanam (Petitioner in I. D. 157/2001)

W.W.2 - Sh. S. Arputharaj (Petitioner in I.D. 195/2001)

W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)

W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom)

W.W.5 - Sh. C. Madurai [SDE (Groups), Kalpakkam]

##### II Party/Management :

M.W.1 - Sh. P. Chandrasekar [DE (Legal & Commercial)]

#### Documents Marked (Common)

##### I Party/Workman

W1 Series (7) - Service Certificates issued to Sh. V. Santhanam

W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj

W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management :

M1 - Xerox copy of M.R. No. 19/05850

M2 - Xerox copy of M.R. No. 06216/8

नई दिल्ली 6 फरवरी, 2002

**का.आ. 735.**—औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14 ) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महानगर टेलीफोन निगम लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2 मुम्बई के पंचाट (संदर्भ संख्या सी जी आई टी-2/58 ऑफ 94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2002 को प्राप्त को प्राप्त हुआ था।

[सं. एल-40012/156/93-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 6th February, 2002

**S.O. 735.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/58 of 94) of the Central Government Industrial



Tribunal/Labour Court No. 2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M.T.N.L. and their workman, which was received by the Central Government on 6-2-2002.

[No. L-42012/156/93-IR/DU)]

KULDIP RAI VERMA, Desk Officer.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

#### PRESENT

S. N. SAUNDANKAR

PRESIDING OFFICER

#### REFERENCE NO. CGIT-2/58 OF 1994

EMPLOYERS IN RELATION TO THE  
MANAGEMENT OF MTNL, BOMBAY

The Chief General Manager,  
Mahanagar Telephone Nigam Ltd.,  
Telephone House, Prabhadevi,  
Dadar, Bombay 4000281.

AND

THEIR WORKMEN

Shri Shiv Pujan R. Yadav,  
C/o Nitu Seth Ki Gadi,  
Jawahar Nagar, Khar (E),  
Bombay 400051.

#### APPEARANCES :

FOR THE EMPLOYER : Ms. Y.J. Mestry  
Adv. holding for  
Management.

FOR THE WORKMEN : Mr. N.Y. Lokhande  
Advocate.

Mumbai, Dated 20th December, 2001

#### AWARD

The Government of India, Ministry of Labour, by its Order No. L-40012/156/93/IR(DU), dtd. 16/29-11-94, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, have referred the following industrial dispute to this Tribunal for adjudication.

"Whether the action of the management of Mahanagar Telephone Nigam Ltd., in retrenching of service of Shri Shivpujan R. Yadav, casual labour from September 1984 is justified? If not, to what relief the workman is entitled?"

2. The workman Shivpujan R. Yadav vide his Statement of Claim (Exhibit-3) contended that he was employed as a casual labourer in the external department of Assistant Engineer Vile-parle Mumbai Telephone Exchange in or about July '83, and that he worked there

till August '84. He pleaded that in September '84 the Assistant Engineer did not permit him to work and informed him that his services are not required and that he would be given work whenever possible. It is the contention of workman that he had completed 240 days in 12 months immediately before September '84 and consequently he was entitled for retrenchment compensation as per the provisions of section 25 F of the Industrial Disputes Act. However, without giving him compensation and notice pay he was terminated in September '84 in contravention to the provisions of the Industrial Disputes Act. He approached the authority and requested for employment, however, he was not given work. Authority gave him certificate dtd. 9/3/85. It is contended that workman by the letter dtd. 24-2-92 demanded work from the authority, but, in vain and that on 24/3/92 he wrote to the A.L.C. (C) Mumbai, who in turn, tried conciliation, but, failed. It is the contention of workman that though he worked 240 days his services were terminated illegally, and therefore he contended, to direct the management to reinstate him and to pay back wages.

3. The management, MTNL, resisted the claim of workman by filing Written Statement (Exhibit-5) contending that inordinate delay has occurred and therefore the claim is stale. It is their contention that the workman did not work continuously 240 days in a year as contemplated under the Act. It is contended that the workman after August '84 did not turn up for job, and thereby he voluntarily abandoned the services, and that after-thought in 1982, he raised the dispute. It is contended that since workman did not work continuously for 240 days and that he abandoned the work, question of his termination and giving compensation, notice pay, does not arise. For all these contentions management prayed to dismiss the claim of workman.

4. Record shows that my Learned Predecessor by his order dtd. 21/8/96 (Exhibit-19) had held that the tribunal had no jurisdiction to decide the reference as the management MTNL is not an industry. The same was challenged by workman vide Writ Petition before the Single Judge of Hon'ble High Court, Bombay and later on in Appeal No. 1071 of 1998 in Writ Petition No. 1386 of 1997, and that the Division Bench, by their order dtd. 25/10/99 (Exhibit-21) set aside the order of the tribunal dtd. 21/8/96 (Exhibit-19) holding MTNL an industry, remitted the matter directing to decide afresh.

5. Since no issue were framed earlier on the basis of the pleadings this tribunal framed issues at Exhibit-25A. After remand workman did not lead oral evidence vide purshis (Exhibit-26) contending evidence led vide (Exhibit-8) be teated as their evidence. However, Junior Telecom Officer, Shri Jacob Thomas filed affidavit by way of Examination-in-Chief (Exhibit-28) and finally, management closed evidence vide purshis (Exhibit-29).

6. The workman filed written submission (Exhibit-30) alongwith copies of the rulings and the management (Exhibit-31) with the copies of the rulings. On hearing the counsels, perusing record as a whole and the written submissions, I record my findings on the following issues for the reasons stated below :—

Issues	Findings
1. Whether the action of the management of M T.N.L. in retrenching service of Shri S.R. Yadav, casual labourer from September '84 is justified?	Yes.
2. If not, what relief the workman is entitled?	As per order below.

### REASONS

7. The workman stated that he worked in MTNL from August '83 to August '84 and that his services were terminated by the end of August '84. Management witness Mr. Thomas admits that workman Yadav worked during October '83 to August '84 for 270 days, however according to him, he was not in continuous service. He admits on issuing letter by their office dtd. 9/3/85 (Exhibit-4/2). This letter shows workman worked 31 days in August '83, but, there was no work in September and April '84 and that in May, June he had not worked for the whole month. That means, he was not in continuous service, which is clearly admitted by workman himself in cross examination (Exhibit-8/pg.2).

8. According to management services of workman were not terminated, however, he himself, voluntarily remained absent, which is abandonment of work. Workman admits in cross-examination (Exhibit-8) that he had been to his native place and had raised dispute in 1992. He is unable to explain as to why the dispute was not raised earlier. This shows, since September '84 till March '92 he was silent. If really workman was refused to give work, he would have complained to that effect immediately, as in ordinary course of human nature, reacts promptly on the happenings.

9. The Learned Counsel Mr. Lokhande for the workman by the written submissions pointed out that workman was running from pillar to post for his stomach. However, management which is always on upper hand as usual, adopting negative modus-operandi put-fourth the theory of abandonment. Assuming for a moment as urged by Mr. Lokhande, workman had not abandoned the work it is apparent as stated above that, he was not in continuous service. The Learned Counsel Mis Mestry holding for Advocate for the management pointed out that, daily rated casual labourers are concerned, they have to attend office everyday and if work is available the same is provided to them. However, if daily rated casual labourers used to remain absent continuously, then it is clear that they are not interested in the work and the same thing has happened in the present case. Under section 25(B) workman should have completed 240 days within a block of 12 calendar months commencing backward from the date of alleged termination. Workman admittedly did not work continuously. It is held by Their Lordships of Supreme Court in Himanshu Kumar Vidyarthi Vs. State of Bihar AIR 1997 SC 3657 :

“the daily wage employees whose services were engaged on the basis of need of work, termination of such employee cannot be construed to be retrenchment.”

In *Sur Enamel & Stamping Works Vs. Their workman* SCC II LLJ 367 Their Lordships observed :

“where the worker was employed only for eleven months the fact that during such a period of 11 months he had worked more than 240 days would not entitle him to get the benefit of Section 25 F of the said Act.”

10. The Learned Counsel Mr. Lokhande urged with force inviting attention of this tribunal to the letters/circulars issued by Head of Department, management follow the practice first to remove the casual labour without giving any notice pay and retrenchment compensation as required under the Industrial Disputes Act, giving assurances that they will give the job is required to be considered in as much as bargaining capacity of the workers is weak as compared to the employers and that labourers have to succumb to the wishes of employer for bread and butter. It is seen from the record the workman was away from the office for years together. In case of daily rated casual labourers whenever work is available the same is provided. If that is so, dealy speaks volume. At this juncture the Learned Counsel Ms. Mestry relied on Bhoop Singh Vs. Union of India & Ors. (1992) 3 Supreme Court Cases 136 Wherein Their Lordships observed :

“It is expected of a Government servant who has a legitimate claim to approach the Court for the relief he seeks within a reasonable period, assuming no fixed period of limitation applies. This is necessary to avoid disclosing the administrative set-up after it has been functioning on a certain basis for years. During the interregnum those who have been working gain more experience and acquire rights which cannot be defeated casually by collateral entry of a person at a higher point without the benefit of actual experience during the period of his absence when he chose to remain silent for years before making the claim. Apart from the consequential benefits of reinstatement without actually working, the impact on the administrative set-up and on other employees is a strong reason decline consideration of stale claim unless the delay is satisfactorily explained and is not attributable to the claimant. This is a material fact to be given due weight while considering the argument of discrimination in the present case for deciding whether the petitioner is in the same class as those who challenged their dismissal several years earlier and were consequently granted the relief of reinstatement. In our opinion the lapse of a much longer unexplained period of several years in the case of the petitioner is a strong reason not to classify him with the other dismissed constables who approached the court earlier and got reinstatement. It was clear to the petitioner latest in 1978 when the second batch of petition were filed, that the petitioner also will have to file a petition for ..... Even then he chose to wait ..... case also being decided in 1987. The argument of discrimination is, therefore, not available to the petitioner.”

11. True it is, the object of the act is to improve the service conditions of the industrial labour so as to provide the ordinary amenities of life and by the process, to bring about industrial peace which would in its term accelerate productive activity of the country resulting in its

prosperity. Their lordships in *Ajaib Singh Vs. The Sirhind Co-operative Marketing-cum-Processing Service Society Ltd. & Anr.* JT 1999 (3) SC 38, observed that, the provisions of the Act have to be interpreted in a manner which advance the object of the legislature contemplated in the statement of objects and reasons and that attempt should be made to avoid industrial unrest, secure industrial peace and to provide machinery to secure that aid.

12. Looking to the facts of the case in the light of the decisions, contention of management that workman abandoned the work, question of retrenchment does not arise, finds substance. It is seen workman did not work continuously as required under Section 25 (B) of the Industrial Disputes Act, which does not entitle the benefit of Section 25 (F) of the said Act. In view of the position action of the management is totally justified and consequently workman is not entitled to any relief. Issues are therefore answered accordingly and hence the order :—

#### ORDER

The action of the management of Mahanagar Telephone Nigam Ltd., in retrenching the service of Shri Shivpujan R. Yadav, casual labour from September, 1984 is legal and justified and consequently he is not entitled to any reliefs.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली 6 फरवरी, 2002

**का.आ. 736.**—औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महानगर टेलीफोन निगम लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2 मुम्बई के पंचाट ( संदर्भ संख्या सी जी आई टी-2/90/ऑफ 2001 ) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2002 को प्राप्त हुआ था।

[सं. एल-40012/102/2001-आई आर (डी यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 6th February, 2002

**S.O. 736.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/90 of 2001) of the Central Government Industrial Tribunal/Labour Court No. 2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M.T.N.L. and their workman, which was received by the Central Government on 6-2-2002.

[No. L-40012/102/2001-IR/DU]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

#### PRESENT

S. N. SAUNDANKAR, Presiding Officer

#### REFERENCE NO. CGIT-2/90 OF 2001

EMPLOYERS IN RELATION TO THE  
MANAGEMENT OF MTNL, MUMBAI

The Assistant General Manager, (Admn.)  
East. I. Mahanagar Telephone Nigam Ltd.,  
KCC, LBS Marg, Vikhroli, (W),  
Mumbai-400083.

AND

#### THEIR WORKMEN

Shri Akshay Babu Patil,  
Dr. B. Ambedkhar Colony,  
Sidharth Nagar, Park site,  
Vikhroli (W),  
Mumbai 400079.

#### APPEARANCES :

FOR THE EMPLOYER : Mr. K.G. Nagwekar  
Advocate.

FOR THE WORKMEN : No appearance.

Mumbai. Dated 28th January, 2002

#### AWARD

The Government of India, Ministry of Labour, by its Order No. L-40012/102/2001/IR (DU), dated 27-6-2001 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, have referred the following industrial dispute to this tribunal for adjudication.

“Whether the action of the management of Mahanagar Telephone Nigam Limited, Mumbai by terminating the services of Sh. Akshay Babu Patil is justified and proper? If not, then what relief the workman is entitled?”

On receipt of the reference this tribunal issued notices and accordingly workman and the management's Advocate appeared before the tribunal consequently workman was to file his statement of claim. However record shows, workman though sufficient time granted since 26-11-2001 till todate remained absent, nor put statement of claim, which indicates, he is not interested to prosecute the reference and therefore the following order is passed:—

#### ORDER

Reference stands disposed of for non-prosecution.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 6 फरवरी, 2002

Mumbai, dated 21st December, 2001

## AWARD—PART-I

**का.आ. 737.**— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. रिचर्डसन एण्ड क्रुड्डास (1972) लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2 मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/132 ऑफ 99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2002 को प्राप्त हुआ था।

[सं. एल.-42012/236/98-आई आर (डीयू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 6th February, 2002

**S.O. 737.**— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No. CGIT-2/132 of 99) of the Central Government Industrial Tribunal/Labour Court No. 2, Mumbai, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Richardsdson & Cruddas (1972) Ltd. and their workman, which was received by the Central Government on 6-2-2002.

[No. L-42012/236/98-IR(DU)]

KULDIP RAI VERMA, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT : S. N. SAUNDANKAR, Presiding Officer

## Reference No. CGIT-2/132 of 1999

Employers in relation to the management of  
M/s. Richardson & Cruddas Ltd.The Genl. Manager (IR),  
M/s. Richardson & Cruddas Ltd. (1972),  
Byculla Iron Works,  
Byculla, Mumbai, 400 008.

AND

Their Workmen

The President,  
Association of Engineering Workers,  
252, Janta Colony,  
Ramnarayan Narker Marg,  
Ghatkopar (East),  
Mumbai-400 077.

## APPEARANCES :

For the Employer	:	Mr. S. Z. Choudhary Advocate.
For the Workman	:	Mr. V. T. Mirajkar Advocate.

The Government of India, Ministry of Labour, by its Order No. L-42012/236/98/IR(DU), dtd. 6-5-1999, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, have referred the following dispute to this tribunal for adjudication:—

“Whether the action of the management of M/s. Richardson & Cruddas (1972) Ltd., Mulund Works, Mulund, Mumbai-400 080 in terminating the services of the workman Sh. K.D. Rai is legal and justified? If not, to what relief the workman is entitled?”

2. Workman, K. D. Rai was working as gas cutter since 19 years in the Richardson and Crudas Co. (hereinafter referred to as management/company). It is contended by the union that workman was an active member of the union. His record was clean and unblemished, management falsely alleged against the workman, by the chargesheet dtd. 27-12-93, that workman committed misconduct by attempting to commit fraud in connection with the business/property of employer which also amounts to act subversive of discipline in the premises of the establishment. It is contended that the workman being active member of union, the company lodged a false complaint with the police by which criminal case bearing No. C.R. 125/P/94 came to be registered and the complaint is pending before the Metropolitan Magistrate, Mulund. The union contended that, the management was apprised not to hold a domestic inquiry, since the criminal case was pending before the court. However, to harass workman, inquiry was commenced. It is contended, inquiry officer Mr. A.S. Kulkarni and the management representative Mr. Kalokhe being officers of the company, were biased against the workman. they were acting under the instructions of Personnel Manager, Mr. Gunjal. It is contended the inquiry officer did not allow the workman to represent through advocate though the charge was serious, nor postponed the inquiry till the decision of the court case, thereby the inquiry is improper. It is contended, inquiry was held in haste, against the Principles of Natural Justice, the findings recorded by the inquiry officer being perverse and the inquiry being improper, vitiates.

3. The management company opposed the claim of the workman by filing Written Statement (Exhibit-10) contending that the workman on 25-12-93, being a Christmas day, a paid holiday, by entering the factory premises in the morning, by jumping over the compound wall from Shop No. 2, picked up S.S. Plate, lying near the cutting machine and brought the same near the compound wall with intention of throwing it outside the compound wall and was caught red handed by security guard while attempting to commit theft of the property of company, therefore he was chargesheeted on 27-12-93. Workman did not reply to the chargesheet. The domestic inquiry was held against him by the inquiry officer Shri Kulkarni and management was represented by Mr. Kalokhe. it is contended aims and objects of departmental inquiry totally differs, the level of required proof also differs, therefore keeping the inquiry in abeyance till disposal of the criminal case pending in

court, was not justified. The workman was represented by Mr. K.R. Verma, Office bearer of the Association, who had conducted many inquiries. Inquiry officer on giving sufficient opportunity concluded the inquiry on 3-10-94, holding the charges proved, and that on the basis of the inquiry, the disciplinary authority dismissed the workman by the order dtd. 31-10-94. It is contended inquiry officer on the basis of the evidence recorded the findings, the inquiry being proper and finding being not perverse, the claim of the workman be rejected.

4. On the basis the pleadings my Learned Predecessor framed issues at Exhibit-12. Workman filed his affidavit by way of Examination-in-Chief (Exhibit-14) and closed evidence vide purshis (Exhibit-15). Mr. Kulkarni, inquiry officer filed affidavit (Exhibit-16) on behalf of the management by way of Examination-in-Chief, and closed evidence vide purshis (Exhibit-22).

5. Union filed written submissions (Exhibit-23) and the management (Exhibit-24).

6. On hearing the counsels and perusing the record as a whole, I record my findings in the following preliminary issues for the reasons stated below :

Issues	Findings
1. Whether the domestic inquiry which was conducted against the workman was against the Principles of Natural Justice?	No
2. Whether the finding of the officer are perverse?	No

#### REASONS

7. According to the workman Rai, he was an active member of the union, which was not liked by company, therefore on 27th December, 1993 he was given false chargesheet of the incident dtd. 25-12-93. He stated that he had requested the inquiry officer Mr. Kulkarni to permit him to engage an advocate for his defence, as the criminal case was pending of the incident dtd. 25-12-93, in the court of Metropolitan Magistrate, however, that was rejected. His further grievance is that the inquiry officer declined to postpone the inquiry till the decision of the criminal complaint, and inspite of that, the inquiry was concluded holding him guilty for the charges, and therefore the findings are perverse and inquiry vitiates. Mr. Kulkarni denied that inquiry was against the Principle of Natural Justice and fair play. Admittedly, workman is the active member of union and that he was representative by Mr. Verma who had represented many inquiries. He admits Verma conducted the inquiry well, he had received copies of the proceedings.

8. So far contention of workman that the inquiry officer refused to postpone the inquiry till the decision of the criminal case pending in court and therefore the inquiry is unfair, is concerned, the Learned Counsel Mr. Choudhary has rightly pointed out that the departmental inquiry totally differs, the level of required proof also differs, therefore there was no reason to postpone the inquiry till the decision of the criminal case.

9. It is seen from the inquiry proceedings filed by the management (Exhibit-13) offence as alleged, occurred on 25-12-93 of which chargesheet was issued to workman on 27-12-93, workman did not reply the chargesheet, inquiry actually commenced on 25-02-94 and ended on

13-10-94, by consuming about 34 dates there was no haste and there was no propriety to keep pending the departmental inquiry till the decision in the criminal case. So far the request to engage advocate as Defence Counsel, declined by the inquiry officer is concerned, standing order applicable to the company do not permit. Therefore, inquiry officer was right, thereby inquiry cannot said to be unfair.

10. It is seen from the record workman had received copies of the inquiry proceedings. he had not given application to the company nor the inquiry officer on the alleged unfair inquiry. Had any prejudice caused to the workman, he would have apprised the same in writing. However, that is wanting. It is seen only because domestic inquiry was not kept in abeyance till the decision of the criminal case, the workman was aggrieved. However, nothing on record to show that, prejudice had occasioned, therefore, it cannot be said that inquiry was improper.

11. So far the findings of the inquiry officer are perverse, is concerned, Their Lordships of Supreme Court in Central Bank of India Vs. Prakash Chand Jain 1969 II LLJ pg. 377, observed "perversity is that when the findings are such which no reasonable person would have arrived at on the basis of the material before him." In the case in hand, the report dtd. 20-10-94 (Exhibit-13, pg. 112/114) show two witnesses were examined by the management viz. Ambre and Hariharan and they were cross-examined at length by the Defence Representative, and that documents produced had gone unchallenged. It is not that findings were not based on record therefore it cannot be said that the findings are perverse.

12. So far domestic inquiry is concerned, Their Lordships of Supreme Court in Sur Enamel and Stamping Works Ltd. Vs. Their Workman, 1963 II LLJ pg. 367 pointed out the inquiry cannot be said to have been properly held unless :

- (i) the employee proceeded against has been informed clearly of the charges levelled against him.
- (ii) the witnesses are examined-ordinarily in the presence of the employee in respect of the charges.
- (iii) the employee is given a fair opportunity to cross-examine witnesses;
- (iv) he is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter; and
- (v) the inquiry officer records his findings with reasons for the same in his report.

If we applied the test in the said case, it is clear that the inquiry was fair and proper and findings are not biased as based on the evidence on record. Consequently issues No. 1 & 2 are answered accordingly and hence the order :—

#### ORDER

The domestic inquiry conducted against the workman was as per the Principles of Natural Justice.

The findings of the inquiry officer are not perverse.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 6 फरवरी, 2002

Mumbai, Dated 21st December, 2001

**का.आ. 738.**— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, रिचर्डसन एण्ड क्रुड्डास (1972) लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2 मुम्बई के पंचाट (संदर्भ संख्या सी जी आई टी-2/120 ऑफ 99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2002 को प्राप्त हुआ था।

[सं. एल.-42012/227/98-आई आर (डीयू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 6th February, 2002

**S.O. 738**— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/120 of 99) of the Central Government Industrial Tribunal/Labour Court No. 2, Mumbai, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Richardson & Cruddas (1972) Ltd. and their workman, which was received by the Central Government on 6-2-2002.

[No. L-42012/227/98-IR(DU)]

KULDIP RAI VERMA, Desk Officer

**ANNEXURE**

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. II,  
MUMBAI

PRESENT : S. A. HALDANKAR, Presiding Officer

Reference No. CGIT-2/120 of 1999

EMPLOYERS IN RELATION TO THE  
MANAGEMENT OF M/S RICHARDSON AND  
CRUDDAS

The Genl. Manager (P.A.),  
M/s. Richardson & Cruddas (1972) Ltd.,  
Mulund Works,  
L.B.S. Marg, Mulund (E) Ltd.,  
Mumbai 400 080.

**AND**

Their Workmen

The President,  
Association of Engineering Workers  
252, Janta House,  
Ramnagar, V. K. P. Marg,  
Ghatkopar (E),  
Mumbai

**APPEARANCES**

For the Employer : Mr. S. Z. Choudhary  
Advocate

For the Workman : Mr. V. T. Mirajkar  
Advocate.

**AWARD-PART-I**

The Government of India, Ministry of Labour, by its Order No. L-42012/227/98/IR(DU), dtd, 16/20/4-1999, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, have referred the following dispute to this tribunal for adjudication.

"Whether the action of the management of M/s. Richardson & Cruddas (1972) Ltd., Mulund Works, Mulund, Mumbai-400 080 illegally terminating the services of Shri S. A. Haldankar. Helper is legal and justified? If not, to what relief the workman is entitled?"

2. Workman, S.A. Haldankar, was employed as 'Helper' since, 1981, working in Rolling Department with the management company. It is contended by the union vide Statement of Claim (Exhibit-8), workman was active member of the union, which was not liked by the company, in which one Mr. Shivaji Gunjal, an anti-union officer was working. It is contended that to victimise the workman, company issued him show cause notice dtd. 11-4-97 alleging that he abused the worker viz. Kalwar in filthy language and he behaved indecently and thereby committed act of misconduct, in company premises which was replied by the workman. However, inspite of that a chargesheet was issued to him on 19-5-1997 on the allegations mentioned in the show cause notice. It is contended management appointed Mr. S. N. Khillare, a professional Enquiry Officer and Mr. B. D. Kalokhe as management's representative. Inquiry Officer was acting under the instructions of Gunjal an anti union officer of the management. It is contended that the inquiry officer disregarding the Principles of Natural Justice, without giving any fair and proper opportunity, concluded the inquiry hastily, finding him guilty on 22-11-99. It is contended, workman gave explanation to the findings on 1-12-97, however without considering that the disciplinary authority by the letter dtd. 30th December, 97, terminated the services of the workman illegally. It is contended that the inquiry officer was biased and that the findings are perverse, inquiry being improper be set aside.

3. The management opposed the claim of the union by filing Written Statement (Exhibit-9) contending that the reference is not maintainable, as the company has been declared a sick unit by the BIFR under section 22 of the Sick Industrial Companies (Special Provisions) Act, 1985 which is in a nursing period and that no permission has been obtained from BIFR to institute proceedings. It is contended by the company that due to successive industrial incident occurred as mentioned in the show cause notice dtd. 11-4-97, chargesheet dtd. 19-5-97 was issued to the workman. It is contended the show cause notice contains the consistent misbehaviour resulting in fear complex affecting safety of staff which charges were enquired by the inquiry officer by giving sufficient opportunity. It is contended that Gunjal had no reason to be biased against the union and to instruct the inquiry officer to act in favour of the management. It is contended, inquiry officer after considering all record and material giving sufficient opportunity, concluded the inquiry and thereafter the management on the proved charges punished the workman suitably. It is contended that the

findings recorded by the inquiry officer are based on the material evidence and therefore not perverse. Consequently according to the management, company, inquiry being fair and proper and the findings being not perverse, claim of the union be rejected.

4. On the basis the pleadings my Learned Predecessor framed issues at Exhibit-10. Workman Haldankar filed affidavit by way of Examination-in-Chief (Exhibit-12) and thereafter union closed evidence vide purshis (Exhibit-14). Mr. Khilari, inquiry officer, filed affidavit (Exhibit-19) on behalf of the management and the management company finally closed evidence vide purshis (Exhibit-20).

5. The union filed written submissions (Exhibit-22) and the management (Exhibit-23). On perusing the record as a whole and hearing the counsels and the written submissions.

I record my findings on the following three preliminary issues for the reasons stated below :

Issues	Findings
1. Whether the reference is not maintainable in view of the objections raised in para-graph-1(a)?	Reference is maintainable.
2. Whether the domestic inquiry which was held against the workman was against the Principles of Natural Justice?	Yes.
3. Whether the findings of the inquiry officer are perverse?	Yes.

### REASONS

6. The management in their Written statement (Exhibit-9) para-1 (a) contended that the company has been declared as a sick unit by the B.I.F.R., under Section 22 of the Sick Industrial Companies (Special provisions) Act, 1985, and revival packages has been approved by the B.I.F.R. and that now the company is in nursing period. However, the union without permission from B.I.F.R. instituted the proceedings and therefore it is not maintainable. Company though averred in Written Statement not pointed out by way of Written submissions as to how the reference is not maintainable in the light of the said averments. The union on the other hand clearly pointed out in written submissions, para 6 as to how no permission from B.I.F.R. is required. Union relied on the decision *Modistone Ltd & Ors. Vs. Deputy Commissioner of Labour, Mumbai* 1999 II CLR page-371, wherein their Lordships of the Bombay High Court held "Modistone company cannot take spelter of Section 22 of Sick Industrial companies (special provisions) Act, 1985, in respect of workers. Thereby according to the union permission as contended by the management is not at all required. Company has not taken this issue seriously nor averred so in affidavit by its witness Mr. Khilari (Exhibit-19). Apart from this, order of schedule has been referred by the Ministry of Labour under section 10 (1) (d) to this tribunal for adjudication and not by the union directly, therefore requiring prior approval, as averred in the written statement has no force. Therefore I find reference is maintainable.

7. So far fairness of inquiry is concerned workman Haldankar stated that inquiry is improper as the chargesheet was vague. Inquiry officer was biased and no opportunity was given. He stated that the management's representative and the inquiry officer were pressurising him to complete the cross-examination. Inquiry officer, Mr. Khilari admits in his cross-examination para. 8 that he was appointed as inquiry officer as per order dtd. 19-5-97, pg. 81 to make inquiry in the light of the charge sheet dtd. 19-5-97. He admits chargesheet dtd. 19-5-97 does not show which specific charge workman has to face, and further admits that he recorded the findings in the inquiry, pg. 115 not as per the charges mentioned at page. 79. Management have filed the inquiry papers with list (Exhibit-11) Show cause notice is dtd. 11-4-97, pg. 76, where as chargesheet is dtd. 19-5-97, pg. 79. Inquiry officer, Mr. Khilari admits that chargesheet does not specify the charges. A reference of show cause notice dtd. 11-4-97 is in the chargesheet. However, when employer gives the chargesheets to the employee, employer is under obligation to specify the charges against the employees in the chargesheet itself. In catena of Judgments it is observed by Their Lordships that, not only charge should be mentioned, but, it should be unambiguous, specific, giving clear out particulars of the charges which the employee has to face. However, chargesheet dtd. 19-5-97 is admittedly vague thereby to my view, perjury has caused to the workman.

8. Inquiry officer Mr. Khilari in cross-examination, para. 10, admits that copies of complaints against the workman were not given alongwith the chargesheet to him. Those complaints are at pgs. 82, 84, 86 (Exhibit-11). Ps. 82 & 84 are the complaints of Kalwer and page. 86 is of one Nardikar whose names find place in the show cause notice dtd. 11-4-97, pg. 76 on which basis the company contended that, chargesheet refers. The Learned Counsel Mr. Mirajkar relied on *CST, Mumbai Vs. Ranjan Kumar Mohalik*, 2000 III CLR 117, wherein His Lordships of Bombay High Court observed:

"When relevant material was considered without making the same available to the workman there would be an infraction of the Principles of Natural Justice and fair play."

In the case in hand, it is seen from the inquiry proceedings the inquiry officer considered the complaints ps. 82, 84, 86 without making the same available to the workman and therefore it can certainly be said that, that occasioned prejudice to the workman.

9. It is the contention of union that Shivaji Gunjal was biased, he was anti-union and that inquiry officer was acting under his instructions. Needless to say, inquiry officer should be impartial on whom depends, whether inquiry would be fair. On perusal of the inquiry paper pg. 38 A (Exhibit-11) dates of the inquiry 12-9-97, 19-9-97 and 20-9-97 were given by said Gunjal, Chief Personnel Manager. It is seen from the inquiry report (pg. 89 to 115) (Exhibit-11) inquiry was commenced on 21-5-97. That mens inquiry officer had taken the work of inquiry since then. There was no reason for Gunjal to give dates of inquiry vide (Exhibit-38 A). This clearly shows the interference of Mr. Gunjal in the inquiry. Therefore in view of the discussion supra, it is clear that the inquiry was not as per the Principles of Natural Justice.



10. In so far as contention that the findings are perverse once it is clear that the inquiry itself was vitiated there is no further need to record any findings regarding perversity as held in the above said decision in 2000 III CLR 117. Otherwise also going through the inquiry/proceedings, the findings are not based on the documents evidence and therefore are perverse. Consequently issues are answered accordingly and hence the order:—

#### ORDER

The domestic inquiry conducted against the workman is not as per the Principles on Natural Justice. The findings of the inquiry officer are perverse. Management is allowed to lead evidence to justify its action.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 6 फरवरी, 2002

**का.आ. 739.**— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, रिचर्डसन एण्ड क्रुड्डास (1972) लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2 मुम्बई के पंचाट (संदर्भ संख्या सी जी आई टी-2/103 ऑफ 99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2002 को प्राप्त हुआ था।

[सं. एल.-42012/226/98-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 6th February, 2002

**S.O. 739.**— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/103 of 99) of the Central Government Industrial Tribunal/Labour Court No. 2, Mumbai, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Richardson & Cruddas (1972) Ltd. and their workman, which was received by the Central Government on 6-2-2002.

[No. L-42012/226/98-IR(DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

S. N. SAUNDANKAR Presiding Officer

Reference No. CGIT-2/103 of 1999

Employers in Relation to the Management of

M/s. Richardson & Cruddas

The Genl. Manager (P&A),

M/s. Richardson & Cruddas (1972), Ltd.,

Mulund Works,

L.B.S. Marg, Mulund (West),

Mumbai 400 080.

AND

Their Workmen

The President,

Association of Engineering Workers,

252, Janta Colony,

Ramnarayan Narker Marg,

Ghatkopar (East).

Mumbai.

#### APPEARANCES :

For the Employer : Mr. S. Z. Chowdhary  
Advocate

For The Workman : Mr. V. T. Mirajkar  
Advocate.

Mumbai, Dated 21st December, 2001

#### AWARD-PART-I

The Government of India, Ministry of Labour, by its Order No. L-42012/226/98/IR(DU), dtd, 16/20-4-1999, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947, have referred the following dispute to this tribunal for adjudication.

“Whether the action of the management of M/s. Richardson & Cruddas (1972) Ltd., Mulund Plant Mumbai-70 in terminating the services of Sh. B.B. Rai is legal and justified? If not, to what relief the workman is entitled?”

2. Workman, B.B. Rai, was employed sixteen years before his dismissal. It is contended vide Statement of Claim (Exhibit-8) that workman was active member of the union which was not liked by Mr. Shivaji Gunjal, an anti-union company officer. It is contended workman had gone to his native place on sanctioned leave from 24th November, 1993 to 22nd December, 1993. He was to resume duty on 23rd December, 1993. However, he fell sick, due to the tension of the death of his father and sickness of his mother and therefore, could not resume on duty. On 1st December, 1995 he went to resume duty alongwith the fitness certificate issued by Dr. Sinha of Ranchi. However, he was not allowed to join duty, saying, on due inquiry, on his absence, he has been dismissed from service. It is the contention of union that workman had not received any show cause notice nor chargesheet in respect of alleged misconduct of absenteeism. Workman was not given opportunity to defend the inquiry, the inquiry being *ex-parte* and the findings perverse made to victimise the workman and therefore the same being unfair be set aside.

3. Management, company, opposed the claim of union by filing their Written Statement (Exhibit-10) contending that the workman remained absent without any application/intimation and therefore he was given chargesheet dtd. 1-6-94, on the misconduct of remaining absent. It is contended workman inspite of receiving the chargesheet wilfully avoided to give reply and to face inquiry, therefore, the inquiry officer Shri A. S. Kulkarni, concluded the inquiry on 24-10-94. It is contended on the findings of the inquiry officer the Disciplinary Authority terminated the workman. Therefore the inquiry being proper and findings being not biased, the claim of the union, be rejected.



4. On the basis of the pleadings my Learned Predecessor framed issues at Exhibit-11 Workman filed affidavit by way of Examination-in-Chief (Exhibit-13) and closed evidence vide (Exhibit-16) Management filed affidavit of inquiry officer Mr. Kulkarni by way of Examination-in-Chief (Exhibit-21) and finally closed evidence vide pursus (Exhibit-22).

5. Union filed written submissions (Exhibit-23). and the management at (Exhibit-24). On perusing the record as a whole and the written submissions and on hearing the counsel at length, I record my findings on the following preliminary issues for the reasons stated below :

Issues	Findings
1. Whether the domestic inquiry was held against the workman was against the Principles of Natural Justice?	Yes.
2. Whether the findings of the inquiry officer are perverse?	Yes.

### REASONS

6. Admittedly workman Mr. Rai was on sanctioned leave from 24-11-93 to 22-12-93 and that he did not report on duty from 23-12-93. Inquiry officer, Mr. Kulkarni admitted in his cross-examination (para. 9) that the company and the Presenting Officer had disclosed him that Rai had gone out of station, and that he had not reported on duty on 23-12-93. Mr. Kulkarni further admits that Rai did not inform him that he would not attend the inquiry. He had informed the management to apprise Rai that he would conduct inquiry *ex-parte* against Mr. Rai. According to workman, without apprising him inquiry was conducted *ex-parte* and that findings are perverse. No doubt workman admits in cross-examination, para 8 that he had received 12 letters from the company to attend the duty, he had received the chargesheet from the company, he was also informed regarding the date of inquiry, but he did not attend the inquiry. The Learned Counsel Mr. Chowdhary urged with force that inspite of receiving chargesheet, workman deliberately avoided to attend the inquiry and therefore the inquiry can safely be said to be proper.

7. It is the case of workman that he was under tension due to bad happenings and he was also sick and therefore he could not resume duty on 23-12-93 and that on 1-12-95 he went to join the duty alongwith fitness certificate of Dr. Sinha of Ranchi, but, he was not allowed, as the inquiry was held earlier. The crucial point we have to see whether the workman had sufficient reason for not attending the inquiry. It is not that justice is shown to have been done. It appears to have been done. If looked into the facts on record, no doubt workman admitted to have received chargesheet and not attended the inquiry, but at the same time, point crops on whether the certificate issued by Dr. Sinha was genuine or not and the very fact had gone, unenquired.

8. As stated above, management and the inquiry officer both were aware that workman had gone to his native place on sanctioned leave. The fact that workman had produced fitness certificate from Dr. Sinha and that was not enquired, point of Principles of Natural Justice, crops up, and from this point of view, the inquiry held

against the workman can safely be said to be not fair and proper. Once the inquiry vitiates, there is no need to record any findings regarding perversity, as held in *CST Mumbai Vs. Rajan Kumar Mohalik* 2000 III CLR 117. Consequently issues are answered accordingly and hence the following order :

### ORDER

The domestic inquiry conducted against the workman was as per the Principles of Natural Justice. The findings of the inquiry officer are not perverse. Management to lead evidence to justify its action.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 6 फरवरी, 2002

का.आ. 740.— औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, रिचर्डसन एण्ड क्रुडडस (1972) लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचाट (संदर्भ संख्या सी जी आई टी-2/104 ऑफ 99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-2002 को प्राप्त हुआ था।

[ सं. एल.-42012/222/98-आई आर (डीयू) ]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 6th February, 2002

S.O. 740— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/104 of 99) of the Central Government Industrial Tribunal/Labour Court No. 2, Mumbai, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Richardson & Cruddas (1972) Ltd. and their workmen, which was received by the Central Government on 6-2-2002.

[No. L-42012/222/98-IR(DU)]

KULDIP RAI VERMA, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

S. N. SAUNDANKAR, Presiding Officer

Reference No. CGIT-2/104 of 1999

Employers in Relation to the Management of

M/s. Richardson & Cruddas

The Genl. Manager (P&A),  
M/s Richardsdon & Cruddas (1972), Ltd.,  
Mulund Works,  
L.B.S. Marg, Mulund (West).  
Mumbai 400 080.

AND

**Their Workmen**

The President,  
Association of Engineering Workers,  
252, Janta Colony,  
Ramnarayan Narker Marg,  
Ghatkopar (East).  
Mumbai.

**APPEARANCES :**

For the Employer : Mr. S. Z Chowdhary  
Advocate  
For the Workman Mr. V. T. Mirajkar  
Advocate.

Mumbai, Dated the 21st December, 2001

**AWARD - PART-I**

The Government of India, Ministry of Labour, by its Order No. L-42012/222/98/IR(DU), dtd, 16/20-4-1999, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, have referred the following dispute to this tribunal for adjudication.

"Whether the action of the management of M/s. Richardson & Cruddas (1972) Ltd., Mumbai illegally terminating the services of Sh. G. B. Gamare, Charge-hand is legal and justified? If not, to what relief the workman is entitled?"

2. Workman, G. B. Gamare, was employed in the company in the year 1976 as charge-sheet. It is contended by the union vide Statement of Claim (Exhibit-6) that workman was active member of the union and that the Personnel Manager, Mr. Gunjal was anti-union, and with intention to break the union and the active worker the workman was issued Show Cause Notice on 9-4-97 and thereafter he was chargesheeted on 20-7-97 for the allegations of "wilful insubordination or disobedience, drunkenness, riotous, disorderly and indecent behaviour on the premises, act, subversive of discipline, which he had replied. However, the management started inquiry against him appointing Mr. M. N. Khilari as inquiry officer on higher remuneration, he was totally biased against the workman. It is contended that inquiry officer without giving fair and proper reasonable opportunity concluded the inquiry with undue haste on 21-1-98, holding workman guilty. It is the contention of the union that the workman had given say to the findings on 28-1-98 to the inquiry officer but without considering the same, the Disciplinary authority by the order dtd. 31-1-98 terminated his services illegally. It is contended that the workman was due for superannuation on 31st May, 1999. His record was clean and unblemished. The inquiry officer did not record the findings appreciating the evidence placed before him, therefore the findings are perverse. Consequently union contended that the inquiry being against the Principles of Natural Justice and fair play and the findings being perverse, be set aside.

3. Management, company, opposed the claim of union by filing Written Statement (Exhibit-9) contending that reference is not maintainable as the company has been declared as a sick unit by the B.I.F.R. under section 22 of the Sick Industrial Companies (Special Provisions) Act, 1985 which is in a nursing period and that no permission

has been obtained from B.I.F.R. to institute proceedings. It is contended that Deputy General Manager (PA and IR), Mr. Gunjal had no reasons to be biased against the union. It is contended because of the misconduct on the part of the workman which was affecting the peace of the organisation as a whole a show cause notice dtd. 9-4-97 was given and thereafter he was chargesheeted on 20-7-97, fair the wilful insubordination, disorderly behaviours, acts subversive of discipline etc, and thereafter the inquiry was commenced against the workman by the inquiry officer Mr. Khilari, who had no reason to be biased against him. It is contended inquiry officer giving sufficient opportunity, recorded findings on 21-1-98, and that workman seeking to the findings on 28-1-98, the Disciplinary authority considering the proved charges against the workman, to save the company from the indiscipline, terminated the services of workman on 31-1-98. It is contended that the inquiry officer gave findings on the basis of the evidence and they are not perverse. Consequently management contended to reject the claim of the union.

4. My Learned Predecessor on the basis of the pleadings framed preliminary issues (Exhibit-12). On behalf of the union workman Gamare filed his affidavit (Exhibit-13) and closed evidence vide purshis (Exhibit-14). Inquiry officer Mr. Khilari filed affidavit by way of Examination-in-Chief (Exhibit-15) and finally management closed evidence vide purshis (Exhibit-21).

5. The union filed written submissions (Exhibit-22) and the management (Exhibit-23). On perusing the record as a whole and the written submissions and on hearing the counsels for both sides I record my findings on the following preliminary issues for the reasons stated below :

Issues	Findings
1. Whether the domestic inquiry which was conducted against the workman was against the Principles of Natural Justice?	No
2. Whether the findings of the inquiry officer are perverse?	No
3. Whether the tribunal has no jurisdiction in view of the contention taken by the management in paragraph 1(a) of the Written Statement?	Tribunal has jurisdiction.

**REASONS**

6. At the outset management company, averred in the written statement (Exhibit-9), para. 1 (a) is concerned the company is said to have been declared as a sick unit by the B.I.F.R. under section 22 of the Sick Industrial Companies (Special Provisions) Act, 1985 and revival package has been approved by the B.I.F.R., and that now the company is in nursing period. It is averred that the union without permission from B.I.F.R. cannot institute the proceedings and in the absence of permission, the reference is not maintainable. The company though averred in the written statement as above not pointed out in written submissions as to how the reference is not maintainable. It seems that point has not been seriously taken by the management. On the other hand the union

clearly pointed out in the written submissions, para. 12 as to how permission from B.I.F.R. is not required, under the circumstances. Union has relied on the decision of *Modistone Ltd. & Ors. Vs. Dy. Commissioner of Labour, Mumbai*, 1999 II CLR, pg. 371 (BOM. HC), wherein Their Lordships of Bombay High Court held that :

"Modistone company cannot take shelter of Section 22 of Sick Industrial Cases (Special Provisions) Act, 1985, in respect of workers."

This is applicable to the present case. The order of schedule has been referred by the Government, Ministry of Labour under section 10(1)(d) to this tribunal for adjudication and not by the union directly, requiring prior permission as averred in the written statement. Therefore I find reference is maintainable Consequently Issue No. 3 is answered accordingly.

7. So far fairness of inquiry is concerned, workman Gamre stated that the inquiry officer, Mr. Khilari was biased against him, favouring the company and that without following any Principles of Natural Justice he completed inquiry with haste. He disclosed that he was not given fair opportunity, not to his defence representative to cross-examine the witnesses fully and that inquiry officer was pressurising him to complete the cross-examination. He further disclosed that management examined witness Mr. G.S. Karigar in the inquiry in the absence of himself and his Defence Representative, who was the vital witness and therefore prejudice is caused to him. Inquiry officer negated the same contending that sufficient opportunity was given to the workman. In cross-examination, para. 8, workman admitted that he was represented by Mr. Verma, Defence Representative, Witnesses of the management were cross-examined by Mr. Verma and that some questions were put by Verma and also by him, all the three witnesses examined by the management were cross-examined. He had received the copies of the inquiry proceedings every day. On plain reading of the inquiry papers, pp. 109 to 129 (Exhibit-11) show that inquiry was commenced on 30-7-97 and ended on 10-1-98. It is seen inquiry consumed about 24 dates, therefore hardly can be said that inquiry was held with haste.

8. So far the witness Mr. G.S. Karigar, examined by the management on 29-11-97 it is seen, on the relevant date workman was at the gate of the company and when called he went away, no application for adjournment appears to have been given by workman nor his Defence Representative. Workman was admittedly receiving copies of inquiry proceedings regularly. Inquiry proceedings dtd. 2-12-97, shows workman was present, however, his Defence representative was absent and that on next hearing date i.e. 9-12-97 they both were present and proceedings further shows that thereafter on the date of hearing workman and his Defence Representative were present. Had workman any grievance on the inquiry he would have complained to that effect, however that is wanting. Remaining present at the gate of the company on the date of the inquiry, but not attending the inquiry, to my view, amounts to intentional act of not responding to the inquiry, therefore it cannot be said that the inquiry officer was at fault.

9. The statement of workman that inquiry officer was pressurising him and his Defence Representative to complete the cross-examination and therefore he had to

curtail cross-examination and thereby he was not given fair opportunity to defend is concerned, in cross-examination, para. 8, he had to admit that all the three witnesses were cross-examined by him. Inquiry proceedings (Exhibit-11) shows Defence Representative Mr. Verma, cross-examined the management witnesses at length. No doubt, workman in cross-examination, para. 8, stated that the question put by them and the answer given by the witnesses were not recorded by the inquiry officer. He does not remember, which questions were put by them, and which answers given by the witnesses were not recorded by the Enquiry officer. He admittedly did not report to Higher Authority on the alleged not recording evidence properly. Had as stated above happened, Defence Representative who is the union office bearer and the workman who claims to be union activist, and therefore was not liking the company officer Mr. Gunjal would not have lost opportunity to complain to that effect either to inquiry officer or the higher authority. It seems, for the first time after thought workman has taken the said stand, save his skin. Nothing on record to show that any prejudice was caused to the workman in view of the discussion supra.

10. So far the findings of the inquiry officer are perverse, Their Lordships of Supreme Court in *Central Bank of India Vs. Prakash Chand Jain* 1969 II LLJ p. 377 pointed out :

"perversity is that when the findings are such which no reasonable person would have arrived at on the basis of the material before him."

In the case in hand, the inquiry proceedings show findings are based on the evidence and the documents on record, therefore hardly the findings can be said to be perverse.

11. In so far as domestic inquiry is concerned, Their Lordships of Supreme Court in *Sr Enamel & Stamping Works Limited Vs. Their Workmen* 1963 II LLOJ p. 367, pointed out that the inquiry cannot be said to have been properly held unless :

- (1) the employee proceeded against has been informed clearly of the charges levelled against him.
- (2) the witnesses are examined ordinarily in the presence of the employee in respect of the charges.
- (3) the employee is given a fair opportunity to cross-examine witnesses.
- (4) he is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter, and
- (5) the enquiry officer records his findings with reasons for the same in his report.

If we apply the tests in the said case, to the facts of the case on hand, it is clear that the inquiry was as per the Principles of Natural Justice and fair play and that findings are not biased. Consequently issues are answered accordingly and hence the order :

**ORDER**

The domestic inquiry conducted against the workman was as per the Principles of Natural Justice.

The findings of the inquiry officer are not perverse.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 7 फरवरी, 2002

**का.आ. 741.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पीटीए ऑफ केन्द्रीय विद्यालय के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय अरनाकुलम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-2002 को प्राप्त हुआ था।

[सं. एल-42012/122/99-आईआर(डीयू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 7th February, 2002

**S.O. 741.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court Ernakulam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of PTA of Kendriya Vidyalaya and their workmen, which was received by the Central Government on 7-2-2002.

[No. L-42012/122/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

**ANNEXURE****IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM**

(Wednesday, the 28th day of November, 2001)

Present :

Smt. N. Thulasi Bai, B.A., LL.B.,  
Presiding Officer

Industrial Dispute No. 68 of 1999 (C)

Between :

The Secretary, Parent Teachers Association, Kendriya Vidyalaya, Port Trust, Kochi-682 003.

And

Sri. K. P. Gopalakrishnan, Nangyarath House, (Via)  
Kundanoor, Nettoor P.O.

**Representations :**

M/s. Menon & Pai,  
Advocates Kochi-18. ... For Management

M/s. Youseff & Aysha,  
Lawyers, Mullassery Canal  
Road, Kochi-11. ... For Workman

**AWARD**

This reference was made by the Central Government as per order No. L-42012/122/99/IR(DU) dated 13-10-1999. The dispute is between the management of Parent Teachers Association, Kendriya Vidyalaya, Kochi-3 and their workman Sri. K. P. Gopalakrishnan, Nangyarath House, Nettoor P.O. The dispute referred is :

“Whether the action of the management of PTA of Kendriya Vidyalaya, Port Trust in terminating the services of Sri. K. P. Gopalakrishnan, Driver with effect from 22-6-98 is legal and justified ? If not, to what relief he is entitled ?”

2. No claim statement filed. No representation for workman. He has been absent on several occasions and no claim statement filed so far. Management's counsel present. I am satisfied that the workman is not interested in prosecuting the case. Hence I find that there exists no dispute at present between the parties to be adjudicated by this court and award is passed accordingly.

Send the award for publication.

Pronounced by me in open court this the 28th day of November, 2001.

Ernakulam. N. THULASI BAI, Presiding Officer.

नई दिल्ली, 7 फरवरी, 2002

**का.आ. 742.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पीटीए ऑफ केन्द्रीय विद्यालय के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय अरनाकुलम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-2002 को प्राप्त हुआ था।

[सं. एल-42012/121/99-आईआर (डीयू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 7th February, 2002

**S.O. 742.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court Ernakulam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of PTA of Kendriya Vidyalaya and their workman, which was received by the Central Government on 7-2-2002.

[No. L-42012/121/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

**ANNEXURE****IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM**

(Wednesday, the 28th day of November, 2001)

PRESENT :

Smt. N. Thulasi Bai, B.A., LL.B.,  
Presiding Officer

Industrial Dispute No. 70 of 1999 (C)

BETWEEN

The Secretary, Parent Teachers Association, Kendriya Vidyalaya, Port Trust, Kochi-682 003.

AND

Shri P. R. Vijayan, Puthankari House, Kumbalanghi South P.O. Kochi (Kerala)-682007.

**Representations :**M/s. Menon & Pai,  
Advocates Kochi-18. ... For ManagementM/s. Youseff & Aysha,  
Lawyers, Mullassery Canal  
Road, Kochi-11. ... For Workman**AWARD**

This reference was made by the Central Government as per order No. L-42012/121/99/IR(DU) dated 13-10-1999. The dispute is between the management of Parent Teachers Association, Kendriya Vidyalaya, Kochi-3 and their workman Sri. P. R. Vijayan, Puthankari House, Kumbalangi South P.O., Kochi-7. The dispute referred is :

“Whether the action of the management of PTA of Kendriya Vidyalaya, Port Trust in terminating the services of Sri. P. R. Vijayan, Driver with effect from 22-6-98 is legal and justified ? If not, to what relief he is entitled ?”

2. Workman and Counsel absent. No claim statement filed. On so many occasions workman was absent and no claim statement filed so far. Management's counsel present. I am satisfied that the workman is not interested in prosecuting the dispute. Hence I find that there exists no dispute at present between the parties to be adjudicated by this court and award is passed accordingly.

Send the award for publication

Pronounced by me in Open Court this the 28th day of November, 2001.

Ernakulam.

N. THULASI BAI, Presiding Officer

नई दिल्ली, 7 फरवरी, 2002

**का.आ. 743.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 264/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-2002 को प्राप्त हुआ था।

[सं. एल-40012/221/99-आईआर(डीयू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 7th February, 2002

**S.O. 743.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 264/2001) of the Central Government Industrial Tribunal/

Labour Court Chennai now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Deptt. and their workmen, which was received by the Central Government on 7-2-2002.

[No. L-40012/221/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

**ANNEXURE**

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM -LABOUR COURT, CHENNAI

Monday, the 31st December, 2001

Present: K. KARTHIKEYAN,  
Presiding Officer

INDUSTRIAL DISPUTE NO. 264/2001  
(Tamil Nadu State Industrial Tribunal I.D.No.300/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri M. Ashok Kumar and the management of The General Manager, Telecommunications, Kancheepuram Dist. Chennai.)

BETWEEN

Sri M. Ashok Kumar : I Party/Workman

AND

The General Manager,  
Telecommunications,  
Kancheepuram Dist, Chennai. II Party/Management

**APPEARANCE:**

For the Workman : M/s.M.Gnanasekar,  
C.Premavathi and  
G.Manjula,  
Advocates

For the Management : Sri R.Kanniappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No.L-40012/221/99/IR(DU) dated 21-10-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 300/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 264/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 12-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26.12.2001, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other

material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager Telecommunications, Kancheepuram, in terminating the services of Shri M. Ashok Kumar casual mazdoor is justified? If not, to what relief, he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri M. Ashok Kumar (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-12-1984. For digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 997 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-04-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be continuous in service and therefore, is entitled to be reinstated with all other service benefits

including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01-12-1984 and his contention about continuous working with the Respondent/Department for a period of 997 number of days of service and the alleged termination of the Petitioner from service on 25-04-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis for a short spell less than 240 days during 1995. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour for the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this

case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D.No. 157/2001, Sri S.Arputharaj, Petitioner in I.D.No. 195/2001, Sri P.Magesh Babu, Petitioner in I.D.No. 184/2001 and S/Sri M.Kannappan and C.Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is —

“Whether the action of the General Manager, Telecommunications, Kancheepuram, in terminating the services of Sri M. Ashok Kumar, casual mazdoor is justified? If not, to what relief he is entitled?”

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/

Telecom Department like Lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. Their further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P. Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating them from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management



in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW 1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really,

the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.



6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman

W.W.1 Sh. V. Santhanam (Petitioner in I.D. 157/2001)

W.W.2 Sh. S. Arputharaj (Petitioner in I.D. 195/2001)

W.W.3 Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)

W.W.4 Sh. M. Kannappan (Asst. Engineer, Telecom)

W.W.5 Sh. C. Madurai [SDE (Groups), Kalpakkam]

##### II Party/Management

M.W.1 Sh. P. Chandrasekar [(DE (Legal & Commercial))]

#### Documents Marked (Common)

##### I Party/Workman

W1 Series (7) — Service Certificates issued to Sh. V. Santhanam

W2 Series (3) — Service Certificates issued to Sh. S. Arputharaj

W3 Series (8) — Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management

M1 — Xerox copy of M.R. No. 19/05850

M2 — Xerox copy of M.R. No. 06216/8

नई दिल्ली, 7 फरवरी, 2002

का. आ. 744.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 211/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-2002 को प्राप्त हुआ था।

[सं. एल-40012/111/99-आईआर (डीयू)]  
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 7th February, 2002

S.O.744.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No. 211/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure,

in the Industrial dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 7-2-2002.

[No. L-40012/111/99-IR(DU)]  
KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM -LABOUR COURT, CHENNAI

Monday, the 31st December, 2001

Present: K. KARTHIKEYAN,  
Presiding Officer

INDUSTRIAL DISPUTE NO. 211/2001

(Tamil Nadu State Industrial Tribunal I.D. No.211/99 )

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri A. Sivalingam and the management of The General Manager, Telecommunications, Kancheepuram Dist. Chennai.]

#### BETWEEN

Sri A. Sivalingam : I Party/Workman

AND

The General Manager, : II Party/Management  
Telecommunications,

Kancheepuram Dist, Chennai

Appearance:

For the Workman : M/s. M. Gnanasekar,  
C. Premavathi &

G. Manjula, Advocates

For the Management : Sri R. Kanniappan

Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/111/99/IR(DU) dated 26.08.1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 211/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 211/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 07.02.2001. On receipt of notice from this Tribunal, the counsel on either side

present and prosecuted this case further.

When the matter came up before me for final hearing on 26.12.2001, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following:—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Shri A. Sivalingam casual mazdoor is legal and justified? If not, to what relief, he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri A. Sivalingam (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01.12.1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1134 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25.06.1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department

in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and an additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01.12.1984 and his contention about continuous working with the Respondent/Department for a period of 1134 number of days of service and the alleged termination of the Petitioner from service on 25.06.1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis for a period of 230 days only during 1994-95. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called ‘grant of Temporary Status to Casual Labourers’ was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 1.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 1.10.1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Honble Tribunal may be pleased to

dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V.Santhanam, Petitioner in I.D.No. 157/2001, Sri S.Arputharaj, Petitioner in I.D.No. 195/2001, Sri P.Magesh Babu, Petitioner in I.D.No. 184/2001 and S/Sri M.Kannappan and C.Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P.Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is—

“Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Shri A.Sivalingam casual mazdoor is legal and justified? If not, to what relief, he is entitled?”

Point .-

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioner from service by Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration

to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statement and they have not mentioned so in their earlier Claim Statement filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P.Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and

other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW 1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service

certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not, worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31<sup>st</sup> December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workmen :

W.W.1 - Sh. V. Santhanam (Petitioner in I. D. 157/2001)

W.W.2 - Sh. S. Arputharaj (Petitioner in I.D. 195/2001)

W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)

W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom)

W.W.5 - Sh. C. Madurai (SDE (Groups), Kalpakkam)

##### II Party/Management :

M.W.1 - Sh. P. Chandrasekar (DE (Legal & Commercial))

#### Documents Marked (Common)

##### I Party/Workmen

W1 Series (7) - Service Certificates issued to Sh. V. Santhanam

W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj

W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management :

M1 - Xerox copy of M.R. No. 19/05850

M2 - Xerox copy of M.R. No. 06216/8

नई दिल्ली, 7 फरवरी, 2002

**का. आ. 745.**— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में निरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 229/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-2002 को प्राप्त हुआ था।

[ सं. एल-40012/107/99-आईआर(डीयू) ]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 7th February, 2002

**S.O. 745.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 229/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman,

which was received by the Central Government on 7-2-2002.

[No. L-40012/107/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM -LABOUR COURT, CHENNAI

Monday, the 31st December, 2001

Present: K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 229/2001  
(Tamil Nadu State Industrial Tribunal  
I. D. No. 241 /99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri P. Chandran and the management of The General Manager, Telecommunications, Kancheepuram Dist. Chennai.)

#### BETWEEN

Sri P. Chandran : I Party/Workman

#### AND

The General Manager, : II Party/Management  
Telecommunications,  
Kancheepuram Dist. Chennai.

#### APPEARANCE :

For the Workman : M/s.M.Gnanasekar,  
C.Premavathi &  
G.Manjula,  
Advocates

For the Management : Sri R.Kanniappan Addl.  
CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No.L- 40012/107/99/IR(DU) dated 13-09-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 241/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 229/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 08.02.2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26.12.2001, upon perusing the Claim Statement, Counter Statement, Additional Counter statement the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by

the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following:—

### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:-

“Whether the demand of the workman Sri P. Chandran for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual mazdoor is legal and justified? If not, to what relief he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows:—

The I Party/Workman Shri P. Chandran (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01.11.1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1262 Number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25.06.1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary

status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and Additional Counter Statement denying the allegations of the Petitioner in the Claim Statement. It is alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis. The department used to engage persons like the Petitioner as and when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with, the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in

I.D.No. 157/2001, Sri S. Arputharaj, Petitioner in I.D. No. 195/2001, Sri P. Magesh Babu, Petitioner in I.D. No. 184/2001 and S/Sri M. Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4, WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workman exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is—

“Whether the demand of the workman Sri P. Chandran for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual mazdoor is legal and justified? If not, to what relief he is entitled?”

Point :-

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and

they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P.Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the



alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus.

By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent / Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from

the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer



**Witnesses Examined (Common) ,****I Party/Workman :**

- W.W.1 - Sh. V. Santhanam (Petitioner in I. D. 157/2001)  
 W.W.2 - Sh. S. Arputharaj (Petitioner in I.D. 195/2001)  
 W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)  
 W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom)  
 W.W.5 - Sh. C. Madurai (SDE (Groups), Kalpakkam)

**II Party/Management :**

- M.W.1 - Sh. P. Chandrasekar (DE (Legal & Commercial))

**Documents Marked (Common)****I Party/Workman**

- W1 Series (7) - Service Certificates issued to Sh. V. Santhanam  
 W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj  
 W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu

**II Party/Management :**

- M1 - Xerox copy of M.R. No. 19/05850  
 M2 - Xerox copy of M.R. No. 06216/8

नई दिल्ली, 7 फरवरी, 2002

**का.आ.746.**—औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14 ) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 199/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-2002 को प्राप्त हुआ था।

[ सं. एल-40012/95/99-आई आर ( डी यू ) ]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 7th February, 2002

**S.O. 746.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.199/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 7-2-2002.

[No. L-40012/95/99-IR/DU]

KULDIP RAI VERMA, Desk Officer.

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
 INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
 CHENNAI**

Monday, the 31st December, 2001

**PRESENT : K. KARTHIKEYAN,**  
 PRESIDING OFFICER

INDUSTRIAL DISPUTE NO. 199/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 236/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri K. Ravikumar and the Mangement of General Manager. Telecommunications, Kancheepuram Dist. Chennai.)

**BETWEEN**

Sri K. Ravikumar : I Party/Workman  
 AND

The General Manager : II party/Management  
 Telecommunications,  
 Kancheepuram Dist.  
 Chennai.

**Appearance :**

For the Workman : M/s. M. Gnanasekar,  
 C. Premavathi &  
 G. Manjula,  
 Advocates

For the Management : Sri R. Kanniappan  
 Addl. CGSC

The Government of India, Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/95/99/IR(DU), dated 25-8-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 236/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 199/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 06-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26.12.2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following:—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Shri K. Ravikumar, casual mazdoor is legal and justified? If not, to what relief he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows:—

The I Party/Workman Shri K. Ravi Kumar (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01.12.1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1294 Number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f 25.06.1995 and, when his services were terminated, he was getting Rs. 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in

more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his contention of continuous working with the Respondent/Department from 1984 to 1992 and the alleged termination of the Petitioner from service. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by

the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D.No. 157/2001, Sri S. Arputharaj, Petitioner in I.D. No. 195/2001, Sri P. Magesh Babu, Petitioner in I.D. No. 184/2001 and S/Sri M. Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW1, WW3, WW4, WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the zerox copy of the service certificates have been marked as Workman exhibits. On the side of the Management the zerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is—

“Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Shri K. Ravikumar, casual mazdoor is legal and justified? If not, to what relief he is entitled?”

Point :-

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/

Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P.Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim

Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1985 to 1994 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner

for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of

that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

## Witnesses Examined (Common)

### I Party/Workman :

- W.W.1 - Sh. V. Santhanam (Petitioner in I. D. 157/2001)
- W.W.2 - Sh. S. Arputharaj (Petitioner in I.D. 195/2001)
- W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)
- W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom)
- W.W.5 - Sh. C. Madurai [SDE (Groups), Kalpakam]

### II Party/Management :

- M.W.1 - Sh. P. Chandrasekar [DE (Legal & Commercial)]

## Documents Marked (Common)

### I Party/Workman

- W1 Series (7) - Service Certificates issued to Sh. V. Santhanam
- W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj
- W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu

### II Party/Management :

- M1 - Xerox copy of M.R. No. 19/05850
- M2 - Xerox copy of M.R. No. 06216/8

नई दिल्ली, 7 फरवरी, 2002

का. आ. 747.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 204/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-2002 को प्राप्त हुआ था।

[सं. एल-40012/80/99-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 7th February, 2002

S.O. 747.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 204/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 7-2-2002.

[No. L-40012/80/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM -LABOUR COURT, CHENNAI

Monday, the 31st December, 2001

PRESENT : K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 204/2001

(Tamil Nadu State Industrial Tribunal I.D.No. 197/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri C. Settu and the management of Telecom Department).

## BETWEEN

Sri C. Settu : I Party/Workman

## AND

1. The Chief General Manager, . II Party/Management  
Telecom Tamil Nadu Circle,  
Chennai.

2. The General Manager,  
Telecom Communications,  
Kancheepuram Dist. Chennai.

3. The Divisional Engineer (Admn.),  
O/o. General Manager,  
Telecommunications,  
Kancheepuram Dist. Chennai.

4. The Sub-Divisional Engineer (Groups),  
Telecom Department.

## APPEARANCE :

For the Workman : M/s M Gnanasekar,  
C.Premavathi &  
G. Manjula,  
Advocates

For the Management : Sri R Kanniappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No L-40012/80/99/IR (DU) dated 26-08-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 197/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that

Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 204/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 07-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, Counter Statement, Additional Counter Statement the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

## AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the management of Telecom Department in terminating the services of Sri C. Settu as casual mazdoor is legal and justified? If not, to what relief, the workman is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri C. Settu (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 09-02-1983 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1520 Number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.c.f. 25-06-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the

necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/ Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is *ab initio void* and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/ Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and an Additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 09-02-1983 and his contention about continuous working with the Respondent/Department for a period of 1520 number of days of service and the alleged termination of the Petitioner from service on 25-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are:—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and

4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/ Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D.No. 157/2001, Sri S. Arputharaj, Petitioner in I.D. No. 195/2001, Sri P. Magesh Babu, Petitioner in I.D. No. 184/2001 and S/Sri M. Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4, and WW5, respectively. On the side of the Respondent/ Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the zerox copy of the service certificates have been marked as Workman exhibits. On the side of the Management the zerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/ Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is—

“Whether the action of the management of Telecom Department in terminating the services of Sri C. Settu as casual mazdoor is legal and justified? If not, to what relief, the workman is entitled?”

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint



trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P.Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged

by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus.

By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental



officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who

said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these thing in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under Section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### **Witnesses Examined (Common)**

##### **I Party/Workman :**

- W.W.1 - Sh. V. Santhanam (Petitioner in I. D. 157/2001)
- W.W.2 - Sh. S. Arputharaj (Petitioner in I.D. 195/2001)
- W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)
- W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom)
- W.W.5 - Sh. C. Madurai [SDE (Groups), Kalpakkam]

##### **II Party/Management :**

- M.W.1 - Sh. P. Chandrasekar [DE (Legal & Commercial)]

#### **Documents Marked (Common)**

##### **I Party/Workman**

- W1 Series (7) - Service Certificates issued to Sh. V. Santhanam
- W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj
- W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu.

**II Party/Management :**

M1 - Xerox copy of M.R. No. 19/05850

M2 - Xerox copy of M.R. No. 06216/8

नई दिल्ली, 7 फरवरी, 2002

**का. आ. 748.**—औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14 ) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय, चेन्नई के पंचाट ( संदर्भ संख्या 203/2001 ) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-2-2002 को प्राप्त हुआ था।

[ सं. एल-40012/82/99-आई. आर. ( डी.यू. ) ]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 7th February, 2002

**S. O. 748.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.203/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 7-2-2002.

[No. L-40012/82/99-IR (DU)]

KULDIPRAI VERMA, Desk Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI**

Monday, the 31st December, 2001

**PRESENT**

K. KARTHIKEYAN,

PRESIDING OFFICER

**INDUSTRIAL DISPUTE NO. 203/2001****(Tamil Nadu State Industrial Tribunal I. D. No. 196/99)**

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri D. Shanmugam and the management of Telecom Department).

**BETWEEN**

Sri D. Shanmugam : I Party/Workman

**AND**

1. The Chief General Manager, : II Party/Management  
Telecom Tamil Nadu Circle,  
Chennai.

2. The Sub Divisional Engineer,  
(Groups), Telecom Department.

3. The Divisional Engineer (Admn.),  
O/o. General Manager,  
Telecommunications,  
Kancheepuram Dist, Chennai.

4. The General Manager,  
Telecommunications,  
Kancheepuram Dist, Chennai.

**APPEARANCE :**

For the Workman : M/s.M.Gnanasekar,  
C. Premavathi &  
G. Manjula,  
Advocates

For the Management : Sri R.Kanniappan  
Addl. CGSC.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2 (A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No.L- 40012/82/99/IR(DU) dated 26-08-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 196/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 203/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 07-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, Counter Statement, additional counter statement the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

**AWARD**

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the management of Telecom Department in terminating the services of Sri D. Shanmugam is legal and justified? If not, to what relief, the workman is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri D. Shanmugam (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-12-1984 for

digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1260 Number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 15-06-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and an Additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01-12-1984 and his contention about continuous working with the Respondent/Department for a period of 1260 number of days of service and the alleged termination of the Petitioner from service on 15-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the

Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are:—

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri S. V. Santhanam, Petitioner in I.D.No. 157/2001, Sri Arputharaj, Petitioner in I.D.No. 195/2001, Sri P.Magesh Babu, Petitioner in I.D.No. 184/2001 and S/Sri M.Kannappan and C.Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P.Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is —

"Whether the action of the management of Telecom Department in terminating the services of Sri D.Shanmugam is legal and justified? If not, to what relief, the workman is entitled?"

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P.Chandrasekar has been, examined as

MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental

officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent / Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining

the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### **Witnesses Examined (Common)**

##### **I Party/Workman :**

- W.W.1 - Sh. V. Santhanam (Petitioner in I. D. 157/2001)
- W.W.2 - Sh. S. Arputharaj (Petitioner in I.D. 195/2001)
- W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)
- W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom)
- W.W.5 - Sh. C. Madurai [SDE (Groups), Kalpakkam.]

##### **II Party/Management :**

- M.W.1 - Sh. P. Chandrasekar [DE (Legal & Commercial)]

#### **Documents Marked (Common)**

##### **I Party/Workman**

- W1 Series (7) - Service Certificates issued to Sh. V. Santhanam
- W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj
- W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu

**II Party/Management :**

M1 - Xerox copy of M.R. No. 19/05850

M2 - Xerox copy of M.R. No. 06216/8

नई दिल्ली, 8 फरवरी, 2002

**का.आ. 749.**—औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14 ) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय विद्यालय संगठन के प्रबंधांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट ( संदर्भ संख्या 405/2001 ) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-2-2002 को प्राप्त हुआ था।

[ सं. एल-42011/46/96-आई आर. ( डी.यू. ) ]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 8th February, 2002

**S.O. 749.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 405/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kendriya Vidyalaya Sangathan and their workman, which was received by the Central Government on 8-2-2002.

[No. L-42011/46/96-IR/DU)]

KULDIP RAI VERMA, Desk Officer

**ANNEXURE**BEFORE THE CENTRAL GOVT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 28th December, 2001

Present: K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 405/2001 (Tamil Nadu State  
Industrial I.D No.84/96)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947( 14 of 1947). between the Workman of Kendriya Vidyalaya Sangathan and the Management of Kendriya Vidyalaya Sangathan, Chennai.)

**BETWEEN**

The General Secretary, : I Party/Claimant  
Kendriya Vidyalaya  
Employees Association,  
Chennai.

**AND**

The Assistant Commissioner. : II Party/ Management  
Kendriya Vidyalaya, Chennai.

**APPEARANCE:**

For the Claimant : M/s. D. Hariparanthaman,  
V. Ajoy Khose, Advocates

For the Management : M/s. T. D. Vasu, Advocates

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947). have referred the concerned Industrial Dispute for adjudication vide Order No.L-42011/46/96-IR (DU) dated 26.08.1996.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 84/96. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 405/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 22.02.2001. On receipt of notice from this Tribunal, the counsel on either side present with their respective parties and prosecuted this case further

When the matter came up before me for final hearing on 20.11.2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the documentary evidence let in on either side, upon hearing the arguments advanced by the learned counsel for the II Party/Management alone and this matter having stood over till this date for consideration, this Tribunal has passed the following : —

**AWARD**

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the Kendriya Vidyalaya Sangathan in not giving the scale of pay of Lab Assistants to the Lab Attendants is justified? If not, to what relief they are entitled?”

2. The averments in the Claim Statement of the I Party/Claimant are briefly as follows :—

The Kendriya Vidyalaya Employees Association represented by its General Secretary has raised this industrial dispute espousing the cause of the workmen, working as Laboratory Attendants in the laboratories of schools of Kendriya Vidyalaya Sangathan. The II Party/Management, Kendriya Vidyalaya Sangathan is a Society registered under the Societies Registration Act and is fully owned by the Govt. of India. It was started in the year 1963. Initially 20 schools were started all over India. Now there are about 850 schools. All the schools are affiliated to Central Board of Secondary Education and conducting classes up to 12<sup>th</sup> Standard. In all the schools there are three laboratories namely Physics Laboratory, Chemistry Laboratory and Biology Laboratory. In each school three Laboratory Assistants were appointed. The Principal of the concerned school can utilise the services of Lab Assistants in any one of the three laboratories. The minimum qualification of the Laboratory Assistants was VIII Standard. Many persons possessing lesser qualification than VIII Standard were appointed as Lab Assistants. The post of Lab Assistants were classified as Class III Post. While so, from 1974 onwards, instead of appointing Lab Assistants, the II Party/Management Kendriya Vidyalaya Sangathan (hereinafter refers to as



Respondent) started appointing Lab Attenders. The qualification for Lab Attenders was also VIII standard. The duties of Lab Attenders and the Lab Assistants are one and the same. In each school, out of the three persons required for laboratories, one/two may be Laboratory Assistants and the other one/two may be Laboratory Attenders. One person in a laboratory may be asked to work in another laboratory by the Principal. That is the person from one laboratory is inter-changeable by other person. But the Laboratory Attenders are classified as Class D Post. That is, they are put in a lesser scale of pay. By simply changing the designation the Respondent has now reduced the scale of pay for the persons who are doing the same work in the laboratories. This is a dubious and ingenuine method adopted by the Respondent. Thereafter, the Respondent has not been making Laboratory Assistants appointments. Their action is totally unjustified and illegal. The Petitioner Association representing a substantial number of employees of the Respondent objected to the dubious method of the Respondent in appointing Laboratory Attenders in Group D cadre to do the same work of the Laboratory Assistants who are classified as Group C cadre. The Petitioner Association made various representations for years together. The aggrieved Lab Attenders also made several representations. The representations of the Petitioner Association to merge the Lab Attenders post into Lab Assistants post were put in cold storage. Hence, they approached the conciliation machinery under the Industrial Disputes Act. Instead of conceding the just demands of the Petitioner, the Respondent took an adamant and unhelpful attitude making all sorts of technical objections. They should have instead met the case on merits. However, the conciliation officer took all his efforts, but his efforts were failed resulting in the present reference. The action of the Respondent is highly arbitrary in re-designating the Laboratory Assistants as Laboratory Attenders. It is with the sole object of reducing the scale of pay. No persons are recruited to Laboratory Assistants post. Their aim is to extinguish the post of the Laboratory Assistants and to bring the Laboratory Attenders in that place, but in the lesser scale of pay. The action of the Respondent is violative of principle of equal pay for equal work enshrined in the Article 39(d) of the Constitution. Out of 2500 laboratory staff in the Society schools, 1000 are Lab Attenders. The action of the Respondent in altering the conditions of service by classifying the Lab Assistants post as Lab Attenders post is only to give effect to place them in lesser grade. Further changing the post of Laboratory Assistants into that of Laboratory Attenders, when the post of Laboratory Assistants was in existence more than a decade is change in usage. Hence, it is covered by item no.7 and 8 of the Industrial Disputes Act. Since the Respondent did not give notice under 9A of the Industrial Disputes Act, their action is illegal. The Lab Attenders are not given any promotion particularly to the post of Lab Assistants. Hence, the Hon'ble Court may be pleased to direct the Respondent to merge the post of Lab Attenders into Lab Assistants and thereby to give the Lab Attenders the scale of pay of Lab Assistants.

3. The averments in the Counter Statement filed by the II Party Management Kendriya Vidyalaya Sangathan are briefly as follows :—

At the time of inception of Kendriya Vidyalaya Sangathan in 1963-64, the qualification for the post of

Lab Assistants prescribed was 8th middle pass. Accordingly, Lab Assistants were appointed in the cadre of Class IV (Group D). Subsequently, the cadre was reclassified from Class IV (Group D) to Class III (Group C) in December, 1977 and the qualification prescribed is Matric/Senior Secondary/High Secondary with Science. However, the candidates with the qualification of 8<sup>th</sup> class/middle pass who were appointed before the reclassification of the cadre from Class IV to Class III were permitted to continue as Lab Assistants. In 1974, as decided by the Board of Governors, being the Policy Taking Body for Kendriya Vidyalaya Sangathan, the cadre of Lab Assistants in Kendriya Vidyalaya Sangathan was dispensed with. Instead the posts of Lab Assistants were created in the cadre of Group D, keeping in view the requirement rather the need of the laboratories of the Vidyalaya and the nature of duties to be discharged by the Lab Assistants appointed in the laboratories. Since the nature of duties performed in the laboratories are (1) cleaning, setting and arranging the apparatus in the laboratory (2) cleaning of Laboratory and dusting of its furniture, (3) carrying the apparatus to class rooms as required by the Teacher concerned, (4) collecting materials including frogs and other living animals required for practical work from outside the campus of the Vidyalaya, (5) repairing of apparatus and furniture, (6) painting and polishing of furniture, (7) making arrangements during function organised in the Vidyalaya from time to time etc. the requirements of Lab Attendants with the qualification of 8<sup>th</sup> class/middle pass is sufficient to carry out the above duties. As such, the appointment to the post of Lab Assistants by the candidates with qualification of Matric/Higher Secondary pass with science subjects was dispensed with. The vacancies arising out due to the retirement/resignation of the existing Lab Assistants were filled up by promoting the existing Group D employee as Lab Assistants as per rules. Though both the cadre of Lab Assistants and Group D come under the cadre of Group D, the scales of pay are different as shown below :—

- (i) The pay scale of Lab Attendant is—  
Rs. 775-12-871-14-955-15-1030-20-1150.
- (ii) The pay scale of Group D is—  
Rs. 750-12-870-14-940.

By creating the post of Lab Attendant, the existing Lab Assistants were not reverted to the post of Lab Attendant rather they are permitted to continue in the post of Lab Assistants. The requirement of Vidyalaya is sufficiently met by appointing Lab Attendants. As such the question of appointing Lab Attendant in Class III cadre does not arise. The decision of the Board of Governors has been carried out for further appointments. Almost all the existing Lab Attendants are promoted from Group D employees of the Vidyalaya having the qualification for the post of Lab Attendants. So, at the time of appointment to the post of Lab Attendant, all the group D employees who were promoted to the post of Lab Attendants were fully aware of the terms and conditions of the appointment to the post of Lab Attendants. They were free to accept or refuse the promotion to the post of Lab Attendant. It is not understood the reason for making a representation after accepting the promotion and performing the duties for last 20 years. Moreover, to do the duties in the Laboratories of the Vidyalaya, candidates having Matriculation/Higher Secondary/Senior Secondary

with science subject is not required. The candidates having minimum qualification of 8th class/middle pass is sufficient to do the menial job in the laboratory. As such the decision taken by the department dispensing with the appointment of Lab Assistants and to the appointment of Lab Attendant in the Vidyalaya is in order. Hence, the averment of the Petitioner Association in para 5 of the Claim Statement are not correct and legally tenable. The demand of the Petitioner is devoid of merit and has no justification. The Respondent do not have any ill-feeling against the Petitioners. The decision of the Board of Governors has been carried out in the appointment of Lab Attendants. A similar civil petition has been filed by the Lab Assistants in the Hon'ble High Court of Punjab and Haryana against the Kendriya Vidyalaya Sangathan vide Writ Petition No. 9271 of 1995. The Writ Petition was dismissed. Hence, the claim of the Petitioner is not legally tenable. The post of Laboratory Attendant and Lab Assistants are different cadres. Each carrying different scales of pay. The principle of equal pay for equal work does not debar the state from providing different pay scale for post in different cadres. Further it has been held by judicial decisions that Lab Attendants cannot be equated with Lab Assistants, even if there is difference of duties in minor nature. Further the Lab Attendants has no avenue of promotion as per the terms of the recruitment and the claimants are well aware of this fact. If that be so, even the question of promotion as claimed in para 7 of the claim Statement is legally not tenable. Hence, the averment in para 7 of the Claim Statement is not correct and legally tenable. The appointment to the posts of Lab Assistants has already been dispensed with due to creation of the post of Lab Attendants. If the existing Lab Attendants retire or resigns, that post will automatically be filled up by Lab Attendants. The duties to the Lab Assistants appointed earlier i.e. in late 1960s and early 1970s and that of Lab Attendants appointed afterwards are given in Annexure 1 and 2. It may be seen that the duties prescribed for the post of Lab Attendants satisfy the requirement of the Vidyalaya and as such the posts of Lab Assistants have been created. The Petitioners are trying to mislead the Hon'ble Court by stating that the Lab Assistants and the Lab Attendants are interchangeable. There is no order issued by the Kendriya Vidyalaya Sangathan that these posts are interchangeable. The duties as signed by the Principal/Post Graduate Teacher in-charge of the Laboratory i.e. cleaning, setting and arranging the apparatus in the Laboratory, cleaning of the Laboratory and dusting of its furniture etc. as stated earlier have to be carried out by Lab Attendants. Further the requirement of Laboratories in the Vidyalaya is fulfilled by appointing Lab Attendants who perform duties such as cleaning, setting and arranging the apparatus in the laboratory, cleaning of Laboratory and dusting of its furniture etc. Therefore, the Lab Attendants are appointed as per rules. Hence, the averment of the Petitioner in the Claim Statement contra is not correct and legally tenable. The action of the Respondent is in accordance with law and relevant rules. Consequently, there is no violation of enforceable Constitutional provisions. Article 39 (D) is only a policy declaration. Therefore, it does not create to the enforceable legal rights to the Petitioner. Hence the averment in the Petitioner's Claim Statement to this extent is not correct and legally tenable. The further averments of the Petitioner that the Respondent in effect altered the condition of services by classifying the Lab Assistants post as Lab Attendants post is not correct. The Courts

have negated this contention. The question of bringing the issue under Industrial Dispute is not legally maintainable. Further the question of notice as stated by the Petitioner has no application in the instant case. Therefore, it is prayed that this Hon'ble Court may be pleased to dismiss the Claim Statement.

4 When the matter was taken up for enquiry, the learned counsel on either side have given consent for marking the documents and the documents on either side have been marked as Ex. W1 to W 8 and Ex. M1 to M3. Subsequently, the learned counsel for the II Party/Management had made an endorsement in the Counter Statement and represented to the Court that the II Party/Management has no oral evidence and advanced his arguments. At the request of the counsel for the I Party/Claimant, the matter was adjourned to subsequent hearing dates for hearing his arguments. After few hearings, a petition has been filed on the side of the I Party/Claimant to re-open the case and that petition was allowed. After hearing the counsel for the Respondent, enquiry in the industrial dispute has been re-opened. A Xerox copy of the seniority list has been filed by the I Party/Claimant. Then on the request of the I Party/Claimant, the matter was adjourned for filing written arguments of the counsel for I Party. Even though the matter has been adjourned subsequently for various hearings, no written argument of the Counsel for the I Party/Claimant has been filed. Finally, it was posted to this date for passing orders on merits with the available records and on the basis of the arguments of the learned counsel for the II Party/Management already advanced.

5. The point for my consideration is—

“Whether the action of the Kendriya Vidyalaya Sangathan in not giving the scale of pay of Lab Assistants to the Lab Attendants is justified? If not, to what relief they are entitled?”

Point:—

This is an industrial dispute raised by the Kendriya Vidyalaya Employees Association through its General Secretary at Madras claiming the scale of pay of Lab Assistants to the Lab Attendants. It is the contention of the Petitioner Association that in all the schools of Kendriya Vidyalaya under the control of Kendriya Vidyalaya Sangathan, there are three Laboratories namely Physics Laboratory, Chemistry Laboratory and Biology Laboratory and in each schools three Laboratory Assistants were appointed. The minimum qualification of Laboratory Assistants was VIII standard. Many persons possessing lesser qualification than VIII standard were appointed as Lab Assistants. The post of Lab Assistants were classified as Class III post. It is not disputed by the Respondent/Management but they would contend in their Counter that it was at the time of inception of Kendriya Vidyalaya Sangathan during 1963-64 and they would also contend that with the qualification of VIII standard/middle class pass, the persons were appointed as Lab Assistants in the cadre of Class IV (Group D) at that time and subsequently, that cadre was reclassified from Class IV (Group D) to Class III (Group C) in December, 1977. This is also not disputed by the Petitioner Employees Association. The Respondent would further contend that at the time of reclassification, the qualification that was prescribed for Lab Assistants was Matric/Higher Secondary/Senior Secondary with science subject. However, the candidates



with the qualification of VIII standard/middle class pass, who were appointed before reclassification of the cadre of Class IV to Class III were permitted to continue as Lab Assistants. This is also not disputed by the Petitioner Employees Association.

6. It is the contention of the Petitioner Association that the Respondent/Management from 1974 onwards, instead of appointing Lab Assistants have started appointing Lab Attenders and the qualification for Lab Attenders was also VIII standard. The duties of the Lab Attenders and Lab Assistants are one and the same, as it is seen from the orders of the Respondent assigning the duties to Lab Attenders and Lab Assistants. It is further contended that any person in a Laboratory may be asked to Work in another Laboratory by the Principal and the person from one Laboratory is inter-changeable by another person, but the Lab Assistants are classified as Class D post and they are put in a lesser scale of pay by simply changing the designation, the Respondent has reduced the scale of pay for the persons who are doing the same work in the Laboratories and this action of the Respondent/Management is totally unjustified and illegal. For this contention, the Respondent/Management would contend in their Counter Statement that in 1974 the Board of Governors Managing the Kendriya Vidyalaya Sangathan has taken a policy decision as to dispense with the cadre of Lab Assistants in Kendriya Vidyalaya Sangathan, instead the post of Lab Attenders were created in the cadre of Group D, keeping in view the requirement rather the need of Laboratories of the Vidyalaya and the nature of duties to be discharged by the Lab Attenders appointed in the laboratories and that to carry out the duties of Lab Attenders as specified, the requirement of qualification is VIII standard/middle class pass and that the appointment to the post of Lab Assistant by the candidates with the qualification of Matric/Higher Secondary pass with some science subjects was dispensed with and the vacancies arising out due to retirement/resignation of the existing Lab Assistants were filled up by promoting existing Group D employees as Lab Assistants as per rules. Though both the cadres of Lab Attendants and Group D come under the cadre of Group D, the scales of pay are different. It is further contended that by creating the post of Lab Attendants, the existing Lab Assistants were not reverted to the post of Lab Attendants, rather they are permitted to continue in the post of Lab Assistants and hence the question of appointing Lab Attendants in Class III cadre does not arise. It is their further contention that the decision of Board of Governors has been carried out for further appointments and almost all the existing Lab Attendants are promoted from Group D employees of the Vidyalaya having the qualification for the post of Lab Attendants. So, at the time of appointment to the post of Lab Attendants all the Group D employees who were promoted to the post of Lab Attendants were fully aware of the terms and conditions of the appointment to the post of Lab Attendants and they were free to accept or refuse the promotion to the post of Lab Attendants. It is further contended that to do the duties in the laboratories of the Vidyalaya, candidates having matriculation /Higher Secondary/ Senior Secondary with science subject is not required, the candidates having minimum qualification of VIII standard/ middle class pass is sufficient to do the menial job in the Laboratory and as such the decision taken by the department dispensing with the appointment

of Lab Assistants and to appoint Lab Attendants in the Vidyalaya is in order. All the contentions of the Respondent/ Management were also not disputed by the petitioner Employees Association. It is also not disputed that the pay scale of Lab Attendants is Rs. 775-12-871-14-955-15-1030-20-1150 while the pay scale of Group D is Rs. 750-12-870-14-940. From this, it is seen the pay scale of Lab Attendants is higher than the Group D posts. The II Party Management has filed a xerox copy of the document dated 18.10.1972, supplementary item in the Agenda of Board of Governors 18th Meeting. From that document, it is seen that the subject has been shown as need for creation of new cadre of Lab Attendants in the pay scale of Rs. 75-95 in the Kendriya Vidyalaya. In that, the reasons have been stated as follows :—

“That the presently employed Lab Assistants were categorised as Class IV and what all the duties that were allotted to them for the maintenance and upkeep of the laboratories in Chemistry, Biology and Home Science. The fourteen duties that were categorised for the work of Lab Assistants also have been stated and due to the demand of the Lab Assistants for reclassification of their cadre to Class III, the increased pay scales have been brought about and that the Lab Assistants are mentally unprepared to perform the duties for which they were initially appointed, which has created many practical/administrative difficulties to the Principals need therefore, it was felt necessary that in future to provide to their new Vidyalayas and wherever vacancy arises in existing schools only Lab Attendants in the scale of pay of Rs. 75-95 and that the duties allocated to Lab Assistants and the duties of Lab Attendants have also been specifically mentioned and the qualification of Lab Attendants has been fixed as VIII standard pass.”

All these things are not disputed by the I Party/ Employees Association. Ex. M2 is the xerox copy of the minutes of the 18th and 19th meetings of Board of Governors of Kendriya Vidyalaya Sangathan held on 18th March, and 31st October, 1972 respectively. It is mentioned in these documents, as item No. 17, to consider the need for creation of a new cadre of Lab Attendants in the pay scale of Rs. 75-95 in Kendriya Vidyalaya. It is stated there in that after detailed discussions, the Board decided that the status quo regarding appointment of Lab Assistants might continue. The Vice-Chairman was however, requested to visit some of Kendriya Vidyalayas and assess the difficulties, if any, in the present arrangements. The matter could be considered further in the basis of his recommendations. The next 19th meeting held on 31st October, 1972. A decision has been taken in that meeting to create a new cadre of Lab Attendants. In that meeting, it was recorded that the Vice chairman informed the members that he had generally looked into the duties of the existing Lab Assistants during his recent visits to one or two Kendriya Vidyalayas. The Board recalled their earlier discussions on item No. 17 of the Agenda put up at their 18th meeting held on 18th March, 1973. After detailed consideration, it was decided that creation of posts of Lab Attendants in the scale of Rs. 75-95 is sanctioned. there is however, need of exercising caution and discretion in its implementation and it may not be necessary to sanction all the new posts in the Lab Attendant cadre from this, it is seen that it is a

decision taken by the Board of Governors of Kendriya Vidyalaya Sangathan in two of its meetings. Ex.M3 is the xerox copy of the explanatory letter given by the Deputy Commissioner of Kendriya Vidyalaya Sangathan dated 13-9-1974, to all the Principals of Kendriya Vidyalaya for a question raised as to whether the Kendriya Vidyalaya need Lab Assistants or Lab Attendants or both and if so, what should be the norms, duties and promotion opportunities. In letter dated 16-12-1977, the Kendriya Vidyalaya has informed all the Principals about the reclassification of the post of Lab Assistants from Class IV to Class III in the pay scale of Rs. 290-500. It is stated in that letter that in the 33rd meeting of Board of Governors held on 11-10-1977, it was approved. Another document has been filed by the Petitioner Association as a xerox copy of the letter dated 10-3-1993 as Ext. W4, sent by the Senior Administrative Officer to all the Principals of Kendriya Vidyalayas, wherein it is stated about the nature and duties of Lab Attendants. It is in accordance with the decision taken by the Board of Governors in the meetings. It is not disputed by the I Party/Kendriya Vidyalayas Employees Association.

7. Further, it is contended in the Counter Statement of the Respondent/Management, that a similar Civil Petition has been filed by the Lab Assistants in the Hon'ble High Court of Punjab and Haryana against the Kendriya Vidyalaya Sangathan vide Writ Petition No. 9271 of 1995. The Hon'ble High Court was pleased to deliver a judgement in that case stating that "it is the admitted position that the Petitioners were recruited as Lab Attendants and they are continued to work in those posts. All members of that cadre are in the scale of pay of Rs. 775 to Rs. 1025. They have, thus no right to claim that they should be given the scale of pay sanctioned to a higher post. The mere fact that duties are similar does not mean that these are the same. The principle of 'equal pay for equal work' does not debar the state from providing different pay scales for posts in different cadres. It is the categorical case of the Respondent that the duties performed by the Lab Assistants are different from those of Lab Attendants. The difference in the nature of duties may be very minor, but it is there. That is vital. Consequently, the claim for parity in scales of pay cannot be sustained. In view of the above, we find no ground to interfere. The Writ Petition is accordingly dismissed." This decision of the Hon'ble High Court of Punjab and Haryana in that Writ Petition is not disputed by the Petitioner Association. It is squarely applicable to this case and also act as res-judicata for the claim made by the Petitioner Employees Union in this industrial dispute. Hence, under such circumstances, it can be held that the relief prayed for by the I Party/Kendriya Vidyalaya Employees Association on behalf of the Lab Attendants is not justified. On the other hand, it is seen clearly from the available materials that the action of the II Party/Management Kendriya Vidyalaya Sangathan in not giving the scale of pay of Lab Assistants to Lab Attendants is justified, as it is held by the Hon'ble High Court of Punjab and Haryana in the earlier Writ Petition cited above. Hence, the Petitioner Association is not entitled to the relief prayed for in the Claim Statement on behalf of the Lab Attendants. Thus, the point is answered accordingly.

8. In view of the above findings, an Award is passed holding that the Petitioner Union is not entitled to the claim prayed for in this industrial dispute on behalf of the Lab

Attendants. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 28th December, 2001.

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined:

On either side : None

#### DOCUMENTS MARKED :

For the I Party/Claimant :

Ex. No.	Date	Description
W 1	03-09-70	Xerox copy of the circular issued by Management Relating to nature of duties Lab Assistants.
W 2	25-08-92	Xerox copy of letter of Sri A. L. Balasubramaniam to Dy. Commissioner of Kendriya Vidyalaya Sangathan, New Delhi.
W3	16-02-93	Xerox copy of the transfer order issued by Respondent/Management
W4	10-03-93	Xerox copy of the circular issued by Repondent Relating to nature of duties of Lab Attendants.
W5	20-08-93	Xerox copy of the time table for 1993-94
W6	19-11-93	Xerox copy of the time table for 1993-94
W7	19-11-93	Xerox copy of the time table for 1993-94
W8	Nil	Xerox copy of the extract of rules relating to Vocational staff and allied matters.

For the II Party/Management

Ex. No.	Date	Description
M1	Nil	Xerox copy of the supplementary item No. 17 Regarding need for creation of a new cadre Of Lab Attendants
M2	18-03-72	Xerox copy of the Minutes of 18th meeting of the Board of Governors of the Kendriya Vidyalaya Sangathan held on 18-3-1972
M3	13-09-74	Xerox copy of the Circular from Kendriya Vidyalaya Sangathan to all Principals of Kendriya Vidyalayas regarding Cadre of Lab Attendants.

नई दिल्ली, 8 फरवरी, 2002

का.आ. 750—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध

में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 39/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-2-2002 को प्राप्त हुआ था।

[ सं. एल-40012/418/99-आई. आर. (डी.यू.) ]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 8th February, 2002

**S.O. 750.**— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.39/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 8-2-2002.

[No. L-40012/418/99-IR(D.U)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 31st December, 2001

Present: K. KARTHIKEYAN,  
Presiding Officer

INDUSTRIAL DISPUTE NO. 39/2001  
(Tamil Nadu State Industrial Tribunal I.D.No.32/2000)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Shri Dhayalamoorthy and the Management of the General Manager, Telecommunications, Chennai.)

#### BETWEEN

Shri A. Dhayalamoorthy : I Party/Workman

#### AND

The General Manager,  
Telecommunications,  
Chennai. : II Party/Management

#### APPEARANCE:

For the Workman : Unrepresented  
For the Management : Sri R.Kanniappan  
Advocate

#### AWARD

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide Order No.L- 40012/418/99/IR(DU) dated 16-02-2000.

“Whether the action of the Chief General Manager, Telecom. Chennai, in terminating the services of Shri A. Dhayalamoorthy, casual mazdoor is justified ? If not to what relief he is entitled ?”

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 32/2000. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 39/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 23-01-2001. On that date, learned counsel for the I Party/Workman alone present. Though the learned counsel on either side entered appearance before the Tamil Nadu State Industrial Tribunal, the Claim Statement of the I Party/Workman and the Counter Statement of the II Party/Management were not filed before that Tribunal. Even after the transfer of this case to the file of this Court, the counsel for the I Party/Workman who received notices from this Court, neither himself nor the I Party/Workman had chosen to appear before this Court in respect of this industrial dispute and to file the Claim Statement and there was no representation at all by the I Party/Workman for this industrial dispute before this Tribunal.

2. When the matter is taken up finally to-day, neither the parties to the dispute nor their respective counsel on record present and there is no representation at all on either side. Except filing of vakalat of the counsel for the II Party/Management on record, no progress has been made so far in this case. Though the matter is pending for the past two years, neither the counsel for the I Party/Workman nor the Petitioner has chosen to file Claim Statement. The II Party/Management also has not filed any statement of objection so far, objecting for the relief prayed for by the concerned workman against them by raising this industrial dispute, though time has been extended for the same till this day on the request of the counsel for the II Party/Management. The inaction of the I Party/Workman and his non-appearance for all the adjourned hearings, for the past two years, earlier before the Tamil Nadu State Industrial Tribunal, then subsequent to the transfer of this case before this Tribunal, enable this Tribunal to conclude that the I Party/Workman has no inclination or interest to prosecute this case further. The non filing of any statement of objection by the II Party/Management to this dispute raised by the concerned workman also warrants this Tribunal to conclude, that no industrial dispute now exists between the parties for adjudication by this Tribunal for the relief mentioned in the Schedule of Reference referred to in the order of the Ministry of Labour as an industrial dispute. Hence, this reference is closed and this industrial dispute is disposed of accordingly.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 8 फरवरी, 2002

**का.आ. 751.**— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण

चेन्नई के पंचाट (संदर्भ संख्या 267/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-2-2002 को प्राप्त हुआ था।

[सं. एल-40012/241/99-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 8th February, 2002

**S.O. 751.**— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.267/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 8-2-2002.

[No. L-40012/241/99-IR(D.U.)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 31st December, 2001

Present: K. KARTHIKEYAN,  
Presiding Officer

INDUSTRIAL DISPUTE NO. 267/2001  
(Tamil Nadu State Industrial Tribunal I.D.No.303/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri S. Elumalai and the management of the General Manager, Telecommunications, Kancheepuram Dist. Chennai.)

#### BETWEEN

Sri S. Elumalai : I Party/Workman

#### AND

The General Manager,  
Telecommunications,  
Kancheepuram Dist. Chennai. : II Party/Management

#### Appearance:

For the Workman : M/s.M.Gnanasekar,  
C.Premavathi &  
G.Manjula,  
Advocates

For the Management : Sri R.Kanniappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No.L-40012/241/99/IR(DU) dated 21-10-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was

taken on file as I.D. No. 303/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 267/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 12-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following : —

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecommunications, Kancheepuram, in terminating the services of Shri S. Elumalai, casual mazdoor is justified? If not to what relief he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri S. Elumalai (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/management Telecom Department (hereinafter refers to as Respondent) on 01-05-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1530 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-10-1994 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his reengagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the

Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and an Additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01-05-1984 and his contention about continuous working with the Respondent/Department for a period of 1530 number of days of service and the alleged termination of the Petitioner from service on 25-10-1994. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 1994-1995. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other

benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D.No. 157/2001, Sri S. Arputharaj, Petitioner in I.D.No. 195/2001, Sri P. Magesh Babu, Petitioner in I.D.No. 184/2001 and S/Sri M. Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

#### 5. The Point for my consideration is —

“Whether the action of the General Manager, Telecommunications, Kancheepuram, in terminating the services of Shri S. Elumalai, casual mazdoor is justified? If not to what relief he is entitled?”

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. WW1 series to WW3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the

Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P. Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint

them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW 1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom



Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances,

the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman :

- W.W.1 - Sh. V. Santhanam (Petitioner in I. D. 157/2001)
- W.W.2 - Sh. S. Arputharaj (Petitioner in I.D. 195/2001)
- W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)
- W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom)
- W.W.5 - Sh. C. Madurai [SDE (Groups), Kalpakkam]

##### II Party/Management :

- M.W.1 - Sh. P. Chandrasekar [DE (Legal & Commercial)]

#### Documents Marked (Common)

##### I Party/Workman :

- W1 Series (7) - Service Certificates issued to Sh. V. Santhanam
- W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj
- W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management :

- M1 - Xerox copy of M.R. No. 19/05850
- M2 - Xerox copy of M.R. No. 06216/8

नई दिल्ली, 8 फरवरी, 2002

का.आ. 752. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 269/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-2-2002 को प्राप्त हुआ था।

[ सं. एल-40012/209/99-आई. आर. (डी.यू.) ]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 8th February, 2002

**S.O. 752.**— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.269/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 8-2-2002.

[No. L-40012/209/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 31st December, 2001

PRESENT. K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO 269/2001

(Tamil Nadu State Industrial Tribunal I.D.No.307/99)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri M.V. Subramani and the management of The General Manager, Telecommunications, Kancheepuram Dist. Chennai.)

#### BETWEEN

Sri M.V. Subramani : I Party/Workman

#### AND

The General Manager, : II Party/Management  
Telecommunications,  
Kancheepuram Dist. Chennai.

#### APPEARANCE :

For the Workman : M/s. M. Gnanasekar,  
C. Premavathi &  
G. Manjula,  
Advocates

For the Management : Sri R. Kannappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2 (A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/209/99/IR (DU) dated 21-10-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 307/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 269/2001 and notices were sent to the parties on either side, informing them about

the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 12-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following : —

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecommunications, Chennai, in terminating the services of the workman Shri M.V. Subramani, is legal and justified ? If not to what relief, he is entitled ?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri M.V. Subramani (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 13-02-1985 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 2145 number of days of service, he had not been regularised. The Department of Tele-communication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 15-06-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the



Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 13-02-1985 and his contention about continuous working with the Respondent/Department for a period of 2145 number of days of service and the alleged termination of the Petitioner from service on 15-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual workers on daily rated wages basis for a period of 114 days only during 1995. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on

casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D. No. 157/2001, Sri S. Arputharaj, Petitioner in I.D. No. 195/2001 Sri P. Magesh Babu, Petitioner in I.D. No. 184/2001 and S/Sri M. Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the Xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is—

“Whether the action of the General Manager, Telecommunications, Chennai, in terminating the services of the workman Shri M.V. Subramani, is legal and justified? If not to what relief, he is entitled?”

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service Certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination

of all the Petitioners WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificate produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/management the common witness one Mr. P. Chandrasekar has been examined as MW1. According to the Petitioner, was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointment by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of

Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificate said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said

period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified.

Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman :

- W.W.1 - Sh. V. Santhanam (Petitioner in I. D. 157/2001)
- W.W.2 - Sh. S. Arputharaj (Petitioner in I.D. 195/2001)
- W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)
- W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom)
- W.W.5 - Sh. C. Madurai [SDE (Groups), Kalpakkam]

##### II Party/Management :

- M.W.1 - Sh. P. Chandrasekar [DE (Legal & Commercial)]

#### Documents Marked (Common)

##### I Party/Workman

- W1 Series (7) - Service Certificates issued to Sh. V.Santhanam
- W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj
- W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management :

- M1 - Xerox copy of M.R. No. 19/05850
- M2 - Xerox copy of M.R. No. 06216/8

नई दिल्ली, 8 फरवरी, 2002

का.आ. 753.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 240/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-2-2002 को प्राप्त हुआ था।

[ सं. एल-40012/138/99-आई. आर. (डी.यू.) ]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 8th February, 2002

**S.O. 753.**— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 240/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 8-2-2002.

[No. L-40012/138/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM -LABOUR COURT, CHENNAI

Monday, the 31st December, 2001

#### PRESENT:

K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 240/2001

(Tamil Nadu State Industrial Tribunal I.D.No.252/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri G. Chittibabu and the management of The General Manager, Telecommunications, Kancheepuram Dist. Chennai.)

#### BETWEEN

Sri G. Chittibabu : I Party/Workman

#### AND

The General Manager, : II Party/Management  
Telecommunications,  
Kancheepuram Dist. Chennai.

#### APPEARANCE:

For the Workman : M/s. M. Gnanasekar,  
C. Premavathi &  
G. Manjula,  
Advocates

For the Management : Sri R. Kannappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No.L-40012/138/99/IR(DU) dated 13-09-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 252/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 240/2001 and notices were sent to the parties on either side, informing them about

the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 09-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following : —

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecommunications, Chengalpattu, in terminating the services of Shri G. Chittibabu, casual mazdoor is legal and justified? If not to what relief, he is entitled?”

2 The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri G. Chittibabu (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-10-1984 for digging, drawing wires, lying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1216 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-06-1995 and, when his services were terminated he was getting Rs. 60 as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given

any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the claim Statement about his appointment as Casual Labour on 01-10-1984 and his contention about continuous working with the Respondent/Department for a period of 1216 number of days of service and the alleged termination of the Petitioner from service on 25-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual worker on daily rated wages basis for a short spell during 1995. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on

casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D. No. 157/2001, Sri S. Arputharaj, Petitioner in I.D. No. 195/2001, Sri P. Magesh Babu, Petitioner in I.D. No. 184/2001 and S/Sri M. Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as common witness. On the side of the Petitioner, the Xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the Xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is—

“Whether the action of the General Manager, Telecommunications, Chengalpattu, in terminating the services of Shri G. Chittibabu, casual mazdoor is legal and justified ? If not to what relief, he is entitled ?”

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to

WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioners WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificate produced by these Petitioners in their respective cases are false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P. Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and

who in the Respondent/Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the



Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the

production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman :

W.W.1 - Sh. V. Santhanam (Petitioner in I. D. 157/2001).

W.W.2 - Sh. S. Arputharaj (Petitioner in I.D. 195/2001).

W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001).

W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom).

W.W.5 - Sh. C. Madurai [SDE (Groups), Kalpakam].

##### II Party/Management :

M.W.1 - Sh. P. Chandrasekar [DE (Legal & Commercial)]

#### Documents Marked (Common)

##### I Party/Workman :

W1 Series (7) - Service Certificates issued to Sh. V. Santhanam.

W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj.

W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu.

##### II Party/Management :

M1 - Xerox copy of M.R. No. 19/05850.

M2 - Xerox copy of M.R. No. 06216/8.

नई दिल्ली, 8 फरवरी, 2002

**का.आ. 754.**— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 241/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08-02-2002 को प्राप्त हुआ था।

[सं. एल.-40012/131/99-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 8th February, 2002

**S.O. 754.**— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 241/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workmen, which was received by the Central Government on 08-02-2002.

[No. L-40012/131/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 31st December, 2001

Present : K.KARTHIKEYAN, Presiding Officer

Industrial Dispute No. 241/2001

(Tamil Nadu State Industrial Tribunal  
I.D. No. 253/99)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the workman Sri K. Velayutham and the management of the General Manager, Telecommunications, Kancheepuram Dist. Chennai).

#### BETWEEN

Sri K. Velayutham : I Party/Workman

#### AND

The General Manager,  
Telecommunications,  
Kancheepuram Dist.  
Chennai : II Party/Management

#### APPEARANCE :

For the Workman : M/s. M. Gnanasekar,  
C. Premavathi &  
G. Manjula, Advocates

For the Management : Sri R. Kanniappan  
Addl CGSC

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section

(1) and Sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial dispute for adjudication vide Order No. L-40012/131/99/IR(DU) dated 13-9-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 253/99. When the matter was pending enquiry in that Tribunal, the Government of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 241/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 19-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Government for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecommunications, Chengalpattu, in terminating the services of Shri K. Velayutham, casual mazdoor is legal and justified ? If not, to what relief, he is entitled ?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri K. Velayutham (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-12-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1325 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-06-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor



he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and Additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 1-12-1984 and his contention about continuous working with the Respondent/Department for a period of 1325 number of days of service and the alleged termination of the Petitioner from service on 25-6-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis for a short spell during 1994-95. The department used to engage persons like the Petitioner as and when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are —

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary

status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D.No. 157/2001, Sri S. Arputharaj, Petitioner in I.D. No. 195/2001, Sri P. Magesh Babu, Petitioner in I.D. No. 184/2001 and S/Sri M. Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workman exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II Party/Management has advanced his arguments.

#### 5. The Point for my consideration is—

"Whether the action of the General manager, Telecommunications, Chengalpattu, in terminating the services of Shri K. Velauthem, casual mazdoor is legal and justified? If not, to what relief he is entitled?"

#### Point —

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the

service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P. Chandrasekar has been examined as WW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to

availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus.

By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed

or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it

is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under Section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001 )

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman

- W.W.1 — Sh. V. Santhanam (Petitioner in I. D. 157/2001)
- W.W.2 — Sh. S. Arputharaj (Petitioner in I.D. 195/2001)
- W.W.3 — Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)
- W.W.4 — Sh. M. Kannappan (Asst. Engineer, Telecom)
- W.W.5 — Sh. C. Madurai [SDE (Groups), Kalpakkam]

##### II Party/Management

- M.W.1 — Sh. P. Chandrasekar [DE (Legal & Commercial)]

#### Documents Marked (Common)

##### I Party/Workman

- W1 Series (7) — Service Certificates issued to Sh. V. Santhanam
- W2 Series (3) — Service Certificates issued to Sh. S. Arputharaj
- W3 Series (8) — Service Certificates issued to Sh. P. Magesh Babu.

##### II Party/Management

- M1 — Xerox copy of M.R. No. 19/05850
- M2 — Xerox copy of M.R. No. 06216/8

नई दिल्ली, 8 फरवरी, 2002

का.आ. 755.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग

के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या नं. 238/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08-02-2002 को प्राप्त हुआ था।

[सं. एल.-40012/129/99-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 8th February, 2002

**S.O. 755.**— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 238/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 8-02-2002

[No. L-40012/129/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

#### BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT CHENNAI

Monday, the 31st December, 2001

PRESENT : K. KARTHIKEYAN, Presiding  
Officer

Industrial Dispute No. 238/2001

(Tamil Nadu State Industrial Tribunal I.D. No.  
250/99)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri P. Babu and the management of The General Manager, Telecommunications, Kancheepuram Dist. Chennai)

#### BETWEEN

Sri P. Babu : I Party/Workman

#### AND

The General Manager,  
Telecommunications.  
Kancheepuram Dist.,  
Chennai : II Party/Management

#### APPEARANCE :

For the Workman : M/s. M. Gnanasekar,  
C Premavathi &  
G. Manjula, Advocates

For the Management : Sri R. Kannianpan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial

dispute for adjudication vide Order No. L-40012/129/99/IR(DU) dated 13-9-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 250/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 238/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 08-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26.12.2001, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the demand of the workman Sri P. Babu for reinstatement by the General Manager, Telecommunications, Chengalpattu, casual mazdoor is legal and justified? If not, to what relief he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri P. Babu (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01.03.1985 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.7.25 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1255 Number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25.06.1995 and, when his services were terminated he was getting Rs 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore,

when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and Additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 1-3-1985 and his contention about continuous working with the Respondent/Department for a period of 1225 number of days of service and the alleged termination of the Petitioner from service on 25-6-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis for a short spell during 1995. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured

one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D.No. 157/2001, Sri S. Arputharaj, Petitioner in I.D. No. 195/2001, Sri P. Magesh Babu, Petitioner in I.D. No. 184/2001 and S/Sri M. Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workman exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

#### 5. The Point for my consideration is—

"Whether the demand of the workman Sri P. Babu for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual mazdoor is legal and justified? If not, to what relief he is entitled?"

#### Point :-

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service

particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements.

The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners



who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/ Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/ Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question

of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman

- W W 1 — Sh. V. Santhanam (Petitioner in I. D. 157/2001)
- W. W 2 — Sh. S. Arputharaj (Petitioner in I.D. 195/2001)
- W W.3 — Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)
- W W.4 — Sh. M. Kannappan (Asst. Engineer, Telecom)
- W W 5 — Sh. C. Madurai [SDE (Groups), Kalpakkam]

##### II Party/Management

- M W 1 — Sh. P. Chandrasekar [DE (Legal and Commercial)]

#### Documents Marked (Common)

##### I Party/Workman

- W1 Series (7) — Service Certificates issued to Sh. V. Santhanam
- W2 Series (3) — Service Certificates issued to Sh. S. Arputharaj
- W3 Series (8) — Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management

- M1 — Xerox copy of M.R. No. 19/05850
- M2 — Xerox copy of M.R. No. 06216/8

नई दिल्ली, 8 फरवरी, 2002

का.आ. 756.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध

में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्नई के पंचाट (संदर्भ संख्या 237/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-2-2002 को प्राप्त हुआ था।

[सं. एल.-40012/116/99-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 8th February, 2002

**S.O. 756 .—** In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 237/2001) of the Central Government Industrial Tribunal-cum-Labour Court Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 8-2-2002.

[No. L-40012/116/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHENNAI

Monday, the 31st December, 2001

Present : K. KARTHIKEYAN, Presiding Officer

Industrial Dispute No. 237/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 249/99)

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri C. Mani and the management of The General Manager, Telecommunications, Kancheepuram Dist. Chennai]

#### BETWEEN

Sri C. Mani : I Party/Workman

AND

The General Manager,  
Telecommunications,  
Kancheepuram Dist.,  
Chennai : II Party/Management

#### Appearance :

For the Workman : M/s. M. Gnanasekar,  
C. Premavathi and  
G. Manjula, Advocates

For the Management : Sri R. Kannappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/116/99/IR(DU) dated 13-9-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 249/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 237/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 8-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecommunications, Chengalpattu, in terminating the services of Shri C. Mani, casual mazdoor is legal and justified? If not, to what relief, he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri C. Mani (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management, Telecom Department (hereinafter refers to as Respondent) on 01-10-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1206 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 15-06-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to



follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is *ab initio* void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and Additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 1-10-1984 and his contention about continuous working with the Respondent/Department for a period of 1206 number of days of service and the alleged termination of the Petitioner from service on 15-6-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis for a period of 226 days only during 1995. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on

date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D. No. 157/2001, Sri S. Arputharaj, Petitioner in I.D. No. 195/2001, Sri P. Magesh Babu, Petitioner in I.D. No. 184/2001 and S/Sri M. Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workman exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is—

“Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Shri C. Mani, casual mazdoor is legal and justified? If not, to what relief he is entitled?”

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. WW1 series to WW3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of

their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination

order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established

by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent /Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available

materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman

- W.W.1 — Sh. V. Santhanam (Petitioner in I. D. 157/2001)  
 W.W.2 — Sh. S. Arputharaj (Petitioner in I.D. 195/2001)  
 W.W.3 — Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)  
 W.W.4 — Sh. M. Kannappan (Asstt. Engineer, Telecom)  
 W.W.5 — Sh. C. Madurai (SDE (Groups), (Kalpakkam))

##### II Party/Management

- M.W.1 — Sh. P. Chandrasekar [DE (Legal & Commercial)]

#### Documents Marked (Common)

##### I Party/Workman

- W1 Series (7) — Service Certificates issued to Sh. V. Santhanam  
 W2 Series (3) — Service Certificates issued to Sh. S. Arputharaj  
 W3 Series (8) — Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management

- M1 — Xerox copy of M.R. No. 19/05850  
 M2 — Xerox copy of M.R. No. 06216/8

नई दिल्ली, 8 फरवरी, 2002

का.आ. 757.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 236/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-2-2002 को प्राप्त हुआ था।

[ सं. एल-40012/115/99-आई.आर.(डी.यू.) ]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 8th February, 2002

**S.O. 757.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref.No. 236/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 8-2-2002.

[No. L. 40012/115/99-IR DU]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 31st December, 2001

Present : K. KARTHIKEYAN,  
Presiding Officer

Industrial Dispute No. 236/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 248/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the workman Sri R. Loganathan and the Management of the General Manager, Telecommunications, Kancheepuram Dist., Chennai)

#### BETWEEN

Sri R. Loganathan : I Party/Workman

#### AND

The General Manager,  
Telecommunications,  
Kancheepuram Dist., Chennai : II Party/

#### APPEARANCE :

For the Workman : M/s. M. Gnanasekar,  
C. Premavathi &  
G. Manjula,  
Advocates

For the Management : Sri R. Kannappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial dispute for adjudication vide Order No. L-40012/115/99/IR(DU) dated 13-09-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 248/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 236/2001 and notices were

sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 08-02-2001. On receipt of notice from this the Tribunal, counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26.12.2001, upon perusing the Claim Statement, counter statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and side this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the demand of the workman Shri R. Loganathan for reinstatement by the General Manager, Telecommunications, Chengalpattu, as casual mazdoor is legal and justified ? If not, to what relief, he is entitled ?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri R. Loganathan (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 22.2.1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 2370 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 20.06.1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947.

Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is *ab initio void* and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and Additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 22-02-1984 and his contention about continuous working with the Respondent/Department for a period of 2370 number of days of service and the alleged termination of the Petitioner from service on 20-6-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work *i.e.* to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis for a period of less than 240 days during 1995. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme *i.e.* 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when

required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D. No. 157/2001, Sri S. Arputharaj, Petitioner in I.D. No. 195/2001 and S/Sri P. Magesh Babu, Petitioner in I.D. No. 184/2001 and S/Sri M. Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4, and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workman exhibits. On the side of the Management the Xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II Party/Management has advanced his arguments.

#### 5. The Point for my consideration is—

"Whether the demand of the workman Sri R. Logonathan for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual mazdoor is legal and justified? If not, to what relief he is entitled?"

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the

Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P. Chandrasekar has been examined as WW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the evidence of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995

and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus.

By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said



period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not

entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman

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 W.W.2 — Sh. S. Arputharaj (Petitioner in I.D. 195/2001)  
 W.W.3 — Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)  
 W.W.4 — Sh. M. Kannappan (Asst. Engineer, Telecom)  
 W.W.5 — Sh. C. Madurai (SDE (Groups), Kalpakkam)

##### II Party/Management

- M.W.1 — Sh. P. Chandrasekar (DE (Legal & Commercial))

#### Documents Marked (Common)

##### I Party/Workman

- W1 Series (7) — Service Certificates issued to Sh. V. Santhanam  
 W2 Series (3) — Service Certificates issued to Sh. S. Arputharaj  
 W3 Series (8) — Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management

- M1 — Xerox copy of M.R. No. 19/05850  
 M2 — Xerox copy of M.R. No. 06216/8

नई दिल्ली, 8 फरवरी, 2002

का.आ 758.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 209/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08-02-2002 को प्राप्त हुआ था।

[सं. एल.-40012/110/99-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 8th February, 2002

**S.O. 758**— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 209/2001) of the Central Government Industrial Tribunal cum Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 08-02-2002.

[No. L-40012/110/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 31st December, 2001

Present K.KARTHIKEYAN,  
Presiding Officer

Industrial Dispute No 209/2001

(Tamil Nadu State Industrial Tribunal I.D No 208/99)

In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri V Thiruvengadam and the management of the General Manager, Telecommunications)

### BETWEEN

Sri V. Thiruvengadam I Party/Workman

### AND

The General Manager, II Party/Management  
Telecommunications,  
Kancheepuram Dist. Chennai

### APPEARANCE :

For the Workman : M/s. M. Gnanasekar,  
C Premavathi &  
G. Manjula,  
Advocates

For the Management : Sri R. Kanniappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial dispute for adjudication vide Order No L-40012/110/99/IR(DU) dated 26-08-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D No 208/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D No 209/2001 and notices were sent to the parties on either side, informing them about the

transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 07-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26.12.2001, upon perusing the Claim Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecommunications, Chengalputta in terminating the services of Shri V. Thiruvengadam casual mazdoor is legal and justified? If not, to what relief, he is entitled ?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri V. Thiruvengadam (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 19-11-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1075 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-06-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or



compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and Additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 19-11-1984 and his contention about continuous working with the Respondent/Department for a period of 1075 number of days of service and the alleged termination of the Petitioner from service on 25-6-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis for a short spell during 1994-95. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis

as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D.No. 157/2001, Sri S. Arputharaj, Petitioner in I.D. No. 195/2001, Shri P. Magesh Babu, Petitioner in I.D. No. 184/2001 and S/Shri M. Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the zerox copy of the service certificates have been marked as Workman exhibits. On the side of the Management the zerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is—

"Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Shri V. Thiruvengadam casual mazdoor is legal and justified? If not, to what relief he is entitled?"

**Point :—**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the

Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P. Chandrasekar has been examined as WW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Tele-communication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995

and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned

counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman

- W.W.1 — Sh. V. Santhanam (Petitioner in I. D. 157/2001)  
 W.W.2 — Sh. S. Arputharaj (Petitioner in I.D. 195/2001)  
 W.W.3 — Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)  
 W.W.4 — Sh. M. Kannappan (Asst. Engineer, Telecom)  
 W.W.5 — Sh. C. Madurai [SDE (Groups), Kalpakkam]

##### II Party/Management

- M.W.1 — Sh. P. Chandrasekar [DE (Legal & Commercial)]

#### Documents Marked (Common)

##### I Party/Workman

- W1 Series (7) — Service Certificates issued to Sh. V. Santhanam  
 W2 Series (3) — Service Certificates issued to Sh. S. Arputharaj  
 W3 Series (8) — Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management

- M1 — Xerox copy of M.R. No. 19/05850  
 M2 — Xerox copy of M.R. No. 06216/8

नई दिल्ली, 8 फरवरी, 2002

का.आ. 759.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 201/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-2-2002 को प्राप्त हुआ था।

[ सं. एल.-40012/84/99-आई. आर. (डी.यू.) ]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 8th February, 2002

S.O. 759.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 201/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 8-2-2002.

[No. L-40012/84/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 31st December, 2001

Present : K. KARTHIKEYAN,  
Presiding Officer

Industrial Dispute No. 201/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 194/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Shri V. Venkatesan and the Management, Telecom.)

### BETWEEN

Sri V. Venkatesan : I Party/Workman

### AND

1. The Chief General Manager : II Party/Management  
Telecom Tamil Nadu Circle,  
Chennai.
2. The General Manager,  
Telecommunications,  
Kancheepuram Dist. Chennai
3. The Divisional Engineer (Admn)  
O/o. The General Manager,  
Telecommunications,  
Kancheepuram Distt. Chennai.

### Appearance :

For the Workman : M/s. M. Gnanasekar,  
C. Premavathi &  
G. Manjula,  
Advocates

For the Management : Sri R. Kanniappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial dispute for adjudication vide Order No. L-40012/84/99/IR(DU) dated 26-8-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 194/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this

case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 201/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 07-02-2001. On receipt of notice from this Tribunal, counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the management of Telecom in terminating the services of Shri V. Venkatesan as casual mazdoor is legal and justified? If not, to what relief, the workman is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri V. Venkatesan (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 10-07-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 2005 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-06-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the

termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 10-7-1984 and his contention about continuous working with the Respondent/Department for a period of 2005 number of days of service and the alleged termination of the Petitioner from service on 25-6-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis for a period of less than 240 days during 1995. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type

of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D.No. 157/2001, Sri S. Arputharaj, Petitioner in I.D. No. 195/2001 and Sri P. Magesh Babu, Petitioner in I.D. No. 184/2001 and S/Sri M. Kannappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4, and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the zerox copy of the service certificates have been marked as Workman exhibits. On the side of the Management the zerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is—

“Whether the action of the management of Telecom in terminating the services of Shri V. Venkatesan as casual mazdoor is legal and justified? If not, to what relief the workman is entitled?”

**Point :—**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/

Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P. Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management

would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1985 to 1994 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders



issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these

Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001).

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman :

- W.W.1 — Sh. V. Santhanam (Petitioner in I. D. 157/2001).
- W.W.2 — Sh. S. Arputharaj (Petitioner in I.D. 195/2001).
- W.W.3 — Sh. P. Magesh Babu (Petitioner in I.D. 184/2001).
- W.W.4 — Sh. M. Kannappan (Asst. Engineer, Telecom).
- W.W.5 — Sh. C. Madurai (SDE (Groups), Kalpakkam).

##### II Party/Management :

- M.W.1 — Sh. P. Chandrasekar [DE (Legal & Commercial)].

#### Documents Marked (Common)

##### I Party/Workman :

- W1 Series (7) — Service Certificates issued to Sh. V. Santhanam.
- W2 Series (3) — Service Certificates issued to Sh. S. Arputharaj.
- W3 Series (8) — Service Certificates issued to Sh. P. Magesh Babu.

##### II Party/Management :

- M1 — Xerox copy of M.R. No. 19/05850.
- M2 — Xerox copy of M.R. No. 06216/8.

नई दिल्ली, 8 फरवरी, 2002

**का. आ. 760.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 214/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-2-2002 को प्राप्त हुआ था।

[सं. एल-40012/85/99-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 8th February, 2002

**S.O. 760.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 214/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom. Deptt. and their workman, which was received by the Central Government on 8-2-2002.

[No. L-40012/85/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
CHENNAI

Monday, the 31st December, 2001

PRESENT :

K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 214/2001

(Tamil Nadu State Industrial Tribunal  
I.D. No. 214/99)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri P. Purachirajan and the management of the General Manager, Telecommunications, Kancheepuram Dist. Chennai.)

BETWEEN

Shri V. Purachirajan : I Party/Workman

AND

The General Manager : II Party/Management  
Telecommunications,  
Kancheepuram,  
Dist. Chennai.

APPEARANCE :

For the Workman : M/s. M. Gnanasekar,  
C. Premavathi &  
G. Manjula,  
Advocates

For the Management : Sri R. Kannappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/85/99/IR(DU) dated 26-8-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 214/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 214/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 07-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager Telecom munications, Chengalpattu in terminating the services of Sri P. Purachirajan, casual mazdoor is legal and justified? If not, to what relief, the workman is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows:—

The I Party/Workman Shri P. Purachirajan. (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-03-1985 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 955 number of days of service he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 15-06-1995 and, when his services were terminated he was getting Rs.1800/- as monthly wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for



orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01.03.1985 and his contention about continuous working with the Respondent/Department and the alleged termination of the Petitioner from service on 25.06.1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis for a period of less than 240 days during 1995. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :-

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V.Santhanam, Petitioner in I.D.No. 157/2001, Sri S. Arputharaj, Petitioner in I.D.No. 195/2001, Sri P.Magesh Babu, Petitioner in I.D.No. 184/2001 and S/Sri M.Kannappan and C.Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P.Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is -

"Whether the action of the General Manager, Telecommunications, Chengalpattu, in terminating the services of Shri P.Purachirajan, casual mazdoor is legal and justified? If not, to what relief, the workman is entitled?"

Point :-

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits.

Apart from these documents the other Petitioners also filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by

the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been

appointed or terminated by way of any written orders issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the

available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under Section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman

W.W.1 - Sh. V. Santhanam (Petitioner in I. D. 157/2001)

W.W.2 - Sh. S. Arputharaj (Petitioner in I. D. 195/2001)

W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)

W.W.4 - Sh. M. Kannappan (Asstt. Engineer, Telecom)

W.W.5 - Sh. C. Madurai [SDE (Groups), Kalpakkam]

##### II Party/Management

M.W.1 - Sh. P. Chandrasekar [DE (Legal & Commercial)]

#### Documents Marked (Common)

##### I Party/Workman

W1 Series (7) - Service Certificates issued to Sh. V. Santhanam

W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj

W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu.

##### II Party/Management

M1 - Xerox copy of M.R. No. 19/05850

M2 - Xerox copy of M.R. No. 06216/8

नई दिल्ली, 8 फरवरी, 2002

का. आ. 761.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,

चेन्नई के पंचाट (संदर्भ संख्या 213/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-2-2002 को प्राप्त हुआ था।

[सं. एल-40012/86/99-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 8th February, 2002

**S.O. 761.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 213/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom. Deptt. and their workman, which was received by the Central Government on 8-2-2002.

[No. L-40012/86/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
CHENNAI

Monday, the 31st December, 2001

PRESENT :

K. Karthikeyan, Presiding Officer

INDUSTRIAL DISPUTE NO. 213/2001

(Tamil Nadu State Industrial Tribunal  
I.D. No. 213/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri V. Baskar and the management of the General Manager, Telecommunications, Kancheepuram, Dist. Chennai.)

BETWEEN

Shri V. Baskar : I Party/Workman

AND

The General Manager,  
Telecommunications,  
Kancheepuram, Dist. Chennai. : II Party/Management

APPEARANCE :

For the Workman : M/s. M. Gnanasekar,  
C. Premavathi &  
G. Manjula,  
Advocates

For the Management : Sri R. Kanniappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act,

1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/86/99-IR(DU) dated 26-8-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 213/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 213/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 07-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26-12-2001, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the demand of the workman Shri V. Baskar for reinstatement by the General Manager, Telecommunications, Chengalpattu, as casual mazdoor is legal and justified? If not, to what relief, the workman is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri V. Baskar (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 14-12-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1168 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 15-06-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service

was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Dispute Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio and void and the Petitioner is deemed to be continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and an additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 14-12-1984 and his contention about continuous working with the Respondent/Department for a period of 1168 number of days of service and the alleged termination of the Petitioner from service on 15-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis for a period of 191 days during 1995. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary

status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V.Santhanam, Petitioner in I.D.No. 157/2001, Sri S.Arputharaj, Petitioner in I.D.No. 195/2001, Sri P.Magesh Babu, Petitioner in I.D.No. 184/2001 and S/Sri M.Kammappan and C.Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

#### 5. The Point for my consideration is —

"Whether the demand of the workman Shri V. Baskar for reinstatement by the General Manager, Telecommunications, Chengalpattu, as casual mazdoor is legal and justified? If not, to what relief, the workman is entitled?"

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. W1 series to W3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service Certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also

filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P. Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden they were terminated and the action of the Respondent/Management Telecommunication Department in terminating them from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and

they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW 1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders



issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls, which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/

Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman

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W.W.2 - Sh. S. Arputharaj (Petitioner in I. D. 195/2001)

W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)

W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom)

W.W.5 - Sh. C. Madurai [SDE (Groups), Kalpakkam]

##### II Party/Management

M.W.I - Sh. P. Chandrasekar [DE (Legal & Commercial)]

#### Documents Marked (Common)

##### I Party/Workman

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W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management

M1 - Xerox copy of M.R. No. 19/05850

M2 - Xerox copy of M.R. No. 06216/8

नई दिल्ली, 8 फरवरी, 2002

का. आ. 762. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण

चेन्नई के पंचाट (संदर्भ संख्या 221/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-2-2002 को प्राप्त हुआ था।

[सं. एल-40012/96/99-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 8th February, 2002

**S.O. 762.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 221/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Telecom. Deptt. and their workman, which was received by the Central Government on 8-2-2002.

[No. L-40012/96/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL CUM LABOUR COURT,  
CHENNAI

Monday, the 31st December, 2001

Present : K. KARTHIKEYAN,  
Presiding Officer

INDUSTRIAL DISPUTE NO. 221/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 228/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri G. Moorthy and the management of the General Manager, Telecommunications, Kancheepuram Dist. Chennai.)

#### BETWEEN

Shri G. Moorthy : I Party/Workman

#### AND

The General Manager : II Party/Management  
Telecommunications,  
Kancheepuram Dist. Chennai.

#### Appearance :

For the Workman : M/s. M. Gnanasekar,  
C. Premavathi &  
G. Manjula,  
Advocates

For the Management : Sri R. Kannappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial

Dispute for adjudication vide Order No. L-40012/96/99/IR(DU) dated 26-08-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 228/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 221/2001 and notices were sent to the parties on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 08-02-2001. On receipt of notice from this Tribunal, the counsel on either side present and prosecuted this case further.

When the matter came up before me for final hearing on 26.12.2001, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side, written arguments filed by the learned counsel for the I Party/Workman, upon hearing the arguments advanced by the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager Telecommunications, Chengalpattu in terminating the services of Shri G. Moorthy, casual mazdoor is legal and justified ? If not, to what relief, the workman is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri G. Moorthy (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-12-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1155 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-06-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority, for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work which is perennial in



nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Dispute Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department claiming the above relief.

3. The II Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01-12-1984 and his contention about continuous working with the Respondent/Department for a period of 1155 number of days of service and the alleged termination of the Petitioner from service on 25-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis for a period of 240 days during 1994-1995. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status.

On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that the oral evidence let in on the side of the I Party/Workman in this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence let in on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman S/Sri V. Santhanam, Petitioner in I.D.No. 157/2001, Sri S. Arputharaj, Petitioner in I.D.No. 195/2001, Sri P. Magesh Babu, Petitioner in I.D.No. 184/2001 and S/Sri M. Karmappan and C. Mathurai, have been examined as witnesses as WW1, WW2, WW3, WW4 and WW5 respectively. On the side of the Respondent/Department one Divisional Engineer Mr. P. Chandrasekar has been examined as MW1 as a common witness. On the side of the Petitioner, the xerox copy of the service certificates have been marked as Workmen exhibits. On the side of the Management the xerox copies of some of the muster rolls mentioned in the Service Certificates of the workmen have been marked as Respondent/Management exhibits. The written arguments of the learned counsel for the I Party/Workmen has been filed. The learned counsel for the II party/Management has advanced his arguments.

5. The Point for my consideration is —

"Whether the action of the General Manager Telecommunications, Chengalpattu in terminating the services of Shri G. Moorthy, casual mazdoor is legal and justified? If not, to what relief, the workman is entitled?"

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 42 cases which are similar in nature has been conducted. Three out of these Petitioners have been examined as WW1 to WW3 and two officials of the Respondent/Department as workmen witnesses have been examined as WW4 and WW5 respectively. WW1 series to WW3 series, the service certificates of WW1 to WW3 respectively have been marked. On the side of the Management some of the Xerox copies of the muster rolls mentioned in the Service certificates of the Petitioners/Workmen have been marked as Management exhibits. Apart from these documents the other Petitioners also

filed into Court individually in their respective cases as the service certificates issued to them mentioning their service particulars. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 to WW3 have spoken about the service certificates they have filed into their respective cases. In the cross examination of all the Petitioner WW1 to WW3, they have admitted that they have given their service particulars to the Respondent/Department as per their direction for their consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 to WW3 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those muster rolls mentioned in their respective service certificates. Their further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management the common witness one Mr. P. Chandrasekar has been examined as MW1. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoors in 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and against law. Since the said action of the Respondent/Management is illegal he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and

they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, the evidence through WW4 and WW5 the departmental officials examined on the side of the Petitioners and MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. This has been established on the side of the Management by producing the original of the concerned number of muster rolls mentioned in the service certificates of the Petitioners and brought it to the notice of the Petitioners that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of the same had been exhibited on the side of the Respondent/Management as Management exhibits. In the cross examination of the common witness for the Management MW 1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. When two of the departmental officials have been examined on the side of the Petitioners to speak about the service certificates produced and relied upon by the Petitioners, no question was put to them in the cross examination about these service certificates. Both WW4 and WW5 have stated in their evidence that they have no power to engage these Petitioners as casual mazdoors and to disengage them. From the evidence available in this case, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers and they themselves have left the service after the work for which they engaged was completed. The Petitioners who have been examined as common witness for workmen have admitted that the work will not be available always and the work is not perennial and they have not been appointed or terminated by way of any written orders

issued by the Respondent/Telecom Department. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have left since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this it is established that the particulars given in their service certificates are false. Further the Petitioners have not proved those service certificates by examining the departmental official who said to have furnished those service certificates. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 to WW3 also have not stated in their evidence that the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/

Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2001.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined (Common)

##### I Party/Workman

W.W.I - Sh. V. Santhanam (Petitioner in I. D. 157/2001)

W.W.2 - Sh. S. Arputharaj (Petitioner in I. D. 195/2001)

W.W.3 - Sh. P. Magesh Babu (Petitioner in I.D. 184/2001)

W.W.4 - Sh. M. Kannappan (Asst. Engineer, Telecom)

W.W.5 - Sh. C. Madurai [SDE (Groups), Kalpakkam]

##### II Party/Management

M.W.I - Sh. P. Chandrasekar [DE (Legal & Commercial)]

#### Documents Marked (Common)

##### I Party/Workman

W1 Series (7) - Service Certificates issued to Sh. V. Santhanam

W2 Series (3) - Service Certificates issued to Sh. S. Arputharaj

W3 Series (8) - Service Certificates issued to Sh. P. Magesh Babu

##### II Party/Management

M1 - Xerox copy of M.R. No. 19/05850

M2 - Xerox copy of M.R. No. 06216/8

नई दिल्ली, 11 फरवरी, 2002

का. आ. 763.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या CGIT/LC/(R)(6)/1999)

को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-02-2002 को प्राप्त हुआ था।

[सं. एल-22012/23/98-आई आर. (सी. II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 11th February, 2002

**S.O. 763.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/(R)(6) of 1999) of the Central Government Industrial Tribunal/Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 05-02-2002.

[No. L-22012/23/98-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM -LABOUR COURT, 1230 WRIGHT TOWN, JABALPUR (MP).

PRESIDING OFFICER : K. M. RAI

CASE NO. CGIT/LC/(R)(6) OF 1999

Shri Bataku : Workman

Vs.

Gevra Project. : Management  
SECL

**AWARD**

(Passed on 23rd day of January, 2002)

The Government of India, Ministry of Labour, New Delhi, has referred the present dispute vide order No. L-22012/23/98/IR (C-II) dtd. 27-11-1998 for adjudication as under :

“Whether the action of the management of Gevra Project SECL Distt. Bilaspur (CG) in not promoting Sh. Panch Ram S/o. Sh. Bataku from E.P. Fitter-III to E.P. Fitter-II w.e.f. the date of promotion of his juniors viz., S/Sh Ramgopal Sahu and Harimohan Ram is justified? If not, to what relief is the workman entitled?”

2. The workman remained absent in spite of service of notice on him. It appears that he is not interested in pursuing him claim as referred by the Government of India. Hence, no dispute exists between the parties in the present case.

3. In the light of the fact stated above, it is held that no dispute exists between the parties in this case.

4. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 फरवरी, 2002

**का. आ. 764.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या CGIT/LC/(R)(203)/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-02-2002 को प्राप्त हुआ था।

[सं. एल-22012/189/96-आई आर. (सी. II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 11th February, 2002

**S.O. 764.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/(R)(203) of 1997) of the Central Government Industrial Tribunal/Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 05-02-2002.

[No. L-22012/189/96-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM -LABOUR COURT, 1230 WRIGHT TOWN, JABALPUR (MP).

PRESIDING OFFICER : K. M. RAI

CASE NO. CGIT/LC/(R)(203) OF 1997

Shri S. K. Sharma : Workman

Vs.

South Eastern Coalfields Ltd., : Management  
Dipka A. Project,  
PO-Gevra Project

**AWARD**

(Passed on 23rd day of January, 2002)

The Government of India, Ministry of Labour, New Delhi, has referred the present dispute vide Order No. L-22012/189/96/IR (C-II) dtd. 22-07-1997 for adjudication as under :

“Whether the demand of the Bhartiya Khadan Mazdoor Sangh for regularization of Sh. S.K. Sharma, Shovel Operator Cat-D, Deepika Augmentation Project, Gevra Area, as Shovel Operator Cat. “B” is legal and justified? If so, to what relief is the workman entitled and from which date?”

2. The workman remained absent in spite of service of notice on him. It appears that he is not interested in pursuing him claim as referred by the Government of India. Hence, no dispute exists between the parties in the present case.

3. In the light of the fact stated above, it is held that no dispute exists between the parties in this case.

4. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 फरवरी, 2002

**का. आ. 765.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट [संदर्भ संख्या CGIT/LC/(R)(202)/1997] को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-02-2002 को प्राप्त हुआ था।

[सं. एल-22012/190/96-आई आर. (सी. II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 11th February, 2002

**S.O. 765.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. CGIT/LC/(R)(202) of 1997] of the Central Government Industrial Tribunal/Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 05-02-2002.

[No. L-22012/190/96-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM -LABOUR COURT, 1230 WRIGHT TOWN, JABALPUR (MP)

PRESIDING OFFICER : K. M. RAI

CASE NO. CGIT/LC/(R)(202) OF 1997

Shri Guru Sharan Singh : Workman

Vs.

South Eastern Coalfields Ltd., : Management  
Deepika Augmentation Project,  
PO-Gevra Project

**AWARD**

(Passed on 23rd day of January, 2002)

The Government of India, Ministry of Labour, New Delhi, has referred the present dispute vide Order No. L-22012/190/96/IR (C-II) dtd. 22-07-1997 for adjudication as under :

“Whether the demand of the Bhartiya Khadan Mazdoor Sangh MP (BMS) for regularization of Sh. Guru Sharan Singh, Dumper Operator Category “D”, Deepika Augmentation Project, Gevra Area of SECL, as Dumper Operator Category, “C” is legal

and justified. If so, to what relief is the workman entitled and from which date?”

2. The workman remained absent in spite of service of notice on him. It appears that he is not interested in pursuing his claim as referred by the Government of India. Hence, no dispute exists between the parties in the present case.

3. In the light of the fact stated above, it is held that no dispute exists between the parties in this case.

4. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 फरवरी, 2002

**का. आ. 766.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट [संदर्भ संख्या CGIT/LC/(R)(211)/1997] को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-02-2002 को प्राप्त हुआ था।

[सं. एल-22012/191/96-आई आर. (सी.-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 11th February, 2002

**S.O. 766.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. CGIT/LC/(R)(211) of 1997] of the Central Government Industrial Tribunal/Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 05-02-2002.

[No. L-22012/191/96-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM -LABOUR COURT, 1230 WRIGHT TOWN, JABALPUR (MP).

PRESIDING OFFICER : K. M. RAI

CASE NO. CGIT/LC/(R)(211) OF 97

Shri Radha Lal : Workman

Vs.

South Eastern Coalfields Ltd., : Management  
Dipka A. Project,  
Post-Gevra Project

**AWARD**

(Passed on 23rd day of January, 2002)

The Government of India, Ministry of Labour, New Delhi, has referred the present dispute vide Order No.

L-22012/191/96/IR (C-II) dtd. 22-07-1997 for adjudication as under :

"Whether the demand of the Bhartiya Khadan Mazdoor Sangh MP (BMS) for regularization of Sh. Radha lal Dewangan, Dumper Operator Category "D", Deepika Augmentation Project, Gevra Area of SECL, as Dumper Operator Category, "C" is legal and justified. If so, to what relief is the workman entitled and from which date?"

2. The workman remained absent in spite of service of notice on him. It appears that he is not interested in pursuing his claim as referred by the Government of India. Hence, no dispute exists between the parties in the present case.

3. In the light of the fact stated above, it is held that no dispute exists between the parties in this case.

4. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 फरवरी, 2002

का. आ. 767.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट [संदर्भ संख्या CGIT/LC/(R)(177)/1994] को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-02-2002 को प्राप्त हुआ था।

[सं. एल-22012/226/94-आई. आर. (सी.-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 11th February, 2002

S.O. 767.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. CGIT/LC/(R)(177) of 1994] of the Central Government Industrial Tribunal/Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 05-02-2002.

[No. L-22012/226/94-IR (C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM -LABOUR COURT, 1230 WRIGHT TOWN, JABALPUR (MP).

PRESIDING OFFICER : K. M. RAI

CASE NO. CGIT/LC/(R)(177) OF 1994

Secretary,  
Chhattisgarh Swatantra  
Mazdoor Union,  
Baradwar,  
Dist. Bilaspur.

Union

Vs.

Sub Area Manager,  
S.E.C.L.,  
Rajgamar Colliery,  
Dist. Bilaspur.

: Management

#### AWARD

(Passed on 23rd day of January, 2002)

The Government of India, Ministry of Labour, New Delhi, has referred the present dispute vide Order No. L-22012/226/94/IR (C-II) dated 28-09-1994 for adjudication as under :

"Whether the action of the management of Sub Area Manager, SECL, Rajgamar Colliery, Bilaspur, in dismissing Sh. Dilip Kumar Patel, Ex. Line Mistry from service w.e.f. 1-4-93 is legal and justified? If not to what relief the workman concerned is entitled to?"

2. Parties have filed written settlement praying for passing award in terms thereof.

In the light of settlement, the award is passed as under :

- (i) The workman shall be re-instated without back wages.
- (ii) Before reinstatement, the workman shall get himself medical examination.
- (iii) For the purposes of pensionary benefits the period of absence from the duty shall be treated continuous service of the workman.
- (iv) After completing one year satisfactory service the workman shall be confirmed in service. After the settlement as per Form-H, the workman shall be posted in Raigarh Area.
- (v) The workman shall refund the amount of pension received by him during the period of absence from duty shall be paid to the Management.

Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 फरवरी, 2002

का. आ. 768.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट [संदर्भ संख्या CGIT/LC/(R)(201)/1997] को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-02-2002 को प्राप्त हुआ था।

[सं. एल-22012/299/96-आई. आर. (सी. II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 11th February, 2002

**S.O. 768.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. CGIT/LC/(R)(201) of 1997] of the Central Government Industrial Tribunal/Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 05-02-2002.

[No. L-22012/299/96-IR (C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM -LABOUR COURT, 1230 WRIGHT  
TOWN, JABALPUR (MP).

PRESIDING OFFICER : K. M. RAI

CASE NO. CGIT/LC/(R)(201) OF 1997

President, : Union  
Rastriya Koyla Khadan  
Mazdoor Sangh, (INTUC)  
Branch : SECL,  
Dipika Project,  
PO : Gevra Project,  
Dist. Bilaspur

Vs.

Sub Area Manager, : Management  
S.E.C.L.  
Dipika Project,  
PO : Gevra Project,  
Dist. Bilaspur.

#### AWARD

(Passed on 23rd day of January, 2002)

The Government of India, Ministry of Labour, New Delhi, has referred the present dispute vide Order No. L-22012/299/96/IR (C-II) dated 22-07-1997 for adjudication as under :

“Whether the demand of the Rashtriya Koyla Khadan Mazdoor Sangh (INTUC) Br. Deepika Project, for promotion of Sh. Gulab Singh, Clerk Gr. III, Deepika Project of SECL to the post of Clerk Grade II w.e.f. 28-1-1993 is legal and justified? If so, to what relief is the workman entitled and from which date?”.

2. The workman appeared before the Tribunal and stated that no dispute regarding the promotion exists any

more. He prayed to pass no dispute award in this case. On his prayer no dispute award is passed.

3. In view of the above said facts, it is held that no dispute exists between the parties in this case. The workman has already been promoted by the Management. No dispute award is therefore passed.

4. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 फरवरी, 2002

**का. आ. 769.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट [संदर्भ संख्या CGIT/LC/(R)(210)/1997] को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-02-2002 को प्राप्त हुआ था।

[सं. एल-22012/301/96-आई आर. (सी. II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 11th February, 2002

**S.O. 769.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. CGIT/LC/(R)(210) of 1997] of the Central Government Industrial Tribunal/Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 05-02-2002.

[No. L-22012/301/96-IR (C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM -LABOUR COURT, 1230 WRIGHT  
TOWN, JABALPUR (MP).

PRESIDING OFFICER : K. M. RAI

CASE NO. CGIT/LC/(R)(210) OF 1997

President, : Union  
Rastriya Koyla Khadan  
Mazdoor Sangh, (INTUC)  
Branch : SECL,  
Dipika Project,  
PO : Gevra Project,  
Dist. Bilaspur

Vs.

Sub Area Manager, : Management  
S.E.C.L.  
Dipika Project,  
PO : Gevra Project,  
Dist. Bilaspur.

**AWARD**

(Passed on 23rd day of January, 2002)

The Government of India, Ministry of Labour, New Delhi, has referred the present dispute vide Order No. L-22012/301/96/IR (C-II) dated 22-07-1997 for adjudication as under :

“Whether the demand of the Rashtriya Koyla Khadan Mazdoor Sangh (INTUC) Br. Deepika Project, for promotion of Sh. Kripal Singh, Clerk Gr. III, Deepika Project of SECL to the post of Clerk Grade II w.e.f. 28-1-1993 is legal and justified? If so, to what relief is the workman entitled and from which date?”

2. The workman appeared before the Tribunal and stated that no dispute regarding the promotion exists any more. He prayed to pass no dispute award in this case. On his prayer no dispute award is passed.

3. In view of the above said facts, it is held that no dispute exists between the parties in this case. The workman has already been promoted by the Management. No dispute award is therefore passed.

4. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 फरवरी, 2002

का. आ. 770.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट [संदर्भ संख्या CGIT/LC/(R)(259)/1997] को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-02-2002 को प्राप्त हुआ था।

[सं. एल-22012/329/96-आई आर. (सी. II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 11th February, 2002

S.O. 770.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. CGIT/

LC/(R)(259) of 1997] of the Central Government Industrial Tribunal/Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 05-02-2002.

[No. L-22012/329/96-IR (C-II)]

N. P. KESAVAN, Desk Officer

**ANNEXURE**

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM -LABOUR COURT, 1230 WRIGHT TOWN, JABALPUR (MP).

PRESIDING OFFICER : K. M. RAI

CASE NO. CGIT/LC/(R)(259) OF 1997

Shri Ganesh Lal Soni : Workman

Vs.

South Eastern Coalfields Ltd., : Management  
Dipika Project.

**AWARD**

(Passed on 23rd day of January, 2002)

The Government of India, Ministry of Labour, New Delhi, has referred the present dispute vide Order No. L-22012/329/96/IR (C-II) dated 03-09-1997 for adjudication as under :

“(i) Whether the demand of RKK Mazdoor Sangh (INTUC) Br. Deepika Project for promotion of Sh. Ganesh Lal Soni, Helper Cat. II to the post of EPGH Grade E is legal and justified? If so to what relief is the workman entitled and from which date?

AND

(ii) Whether the action of the management of Deepika Project of SECL in not allowing Sh. Ganesh Lal Soni, Helper Cat. II, to mark attendance and not allowing him to work from 3-12-95 to 3-2-96 is legal and justified? If not, to what relief is the workman entitled and from which date?”

2. The workman remained absent inspite of service of notice on him. It appears that he is not interested in pursuing his claim as referred by the Government of India. Hence, no dispute exists between the parties in the present case.

3. In the light of the fact stated above, it is held that no dispute exists between the parties in this case.

4. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer



नई दिल्ली, 11 फरवरी, 2002

का. आ. 771.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट [संदर्भ सं सी जी आई टी/एल सी(आर)(140)/1998] को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-02-2002 को प्राप्त हुआ था।

[सं. एल-22012/340/97-आई आर. (सी. II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 11th February, 2002

S.O. 771.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. CGIT/LC/(R)(140) of 1998] of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 05-02-2002.

[No. L-22012/340/97-IR (C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM -LABOUR COURT, 1230 WRIGHT  
TOWN, JABALPUR (MP)

PRESIDING OFFICER : K. M. RAI

CASE NO. CGIT/LC/(R)(140) OF 1998

Shri Chandra Bhusan Mahato : Workman

Vs.

Gevra Project. : Management  
South Eastern Coalfields Ltd.,  
Bilaspur (CG)

#### AWARD

(Passed on 23rd day of January, 2002)

The Government of India, Ministry of Labour, New Delhi, has referred the present dispute vide Order No. L-22012/340/97/IR (M-II) dated 20-07-1998 for adjudication as under :

“Whether denial of subsistence allowance to Sh. Chandra Bhushan Mahato for 9 days from 11-7-87 and from 18-10-1991 to 13-7-92 by the management of SECL, Gevra project is justified? If not, to what relief is the workman entitled?”

2. The workman remained absent in spite of service of notice on him. It appears that he is not interested in pursuing his claim as referred by the Government of India. Hence, no dispute exists between the parties in the present case.

3. In the light of the fact stated above, it is held that no dispute exists between the parties in this case.

4. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 फरवरी, 2002

का. आ. 722.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट [संदर्भ सं सी जी आई टी/एल सी(आर)(145)/1998] को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-02-2002 को प्राप्त हुआ था।

[सं. एल-22012/341/97-आई आर. (सी. II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 11th February, 2002

S.O. 772.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. CGIT/LC/(R)(145) of 1998] of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 05-02-2002.

[No. L-22012/341/97-IR (C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM -LABOUR COURT, 1230 WRIGHT  
TOWN, JABALPUR (MP)

PRESIDING OFFICER : K. M. RAI

CASE NO. CGIT/LC/(R)(145) OF 1998

Shri Chandra Bhusan Mahato : Workman

Vs.

Gevra Project, : Management  
South Eastern Coalfields Ltd.,  
Bilaspur (CG)

**AWARD**

(Passed on 23rd day of January, 2002)

The Government of India, Ministry of Labour, New Delhi, has referred the present dispute vide Order No. L-22012/341/97-IR (CM-II) dated 20-07-1998 for adjudication as under :

“Whether the demand of Sh. Chandra Bhushan Mahato Secretary of the Union to change the designation of Sh. Chandra Bhushan Mahato Pitman, Gr. III to MTK. Gr. III/Clerical Gr. III by the management of SECL, Gevra Project is justified? If so, to what relief is the workman entitled?”

2. The workman remained absent in spite of service of notice on him. It appears that he is not interested in pursuing his claim as referred by the Government of India. Hence, no dispute exists between the parties in the present case.

3. In the light of the fact stated above, it is held that no dispute exists between the parties in this case.

4. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 फरवरी, 2002

का. आ. 773.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट [संदर्भ सं सी जी आई टी/एल सी/ (आर)(260)/1997] को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-02-2002 को प्राप्त हुआ था।

[सं. एल-22012/390/96-आई आर. (सी. II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 11th February, 2002

S.O. 773.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/(R)(260) of 1997) of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 05-02-2002.

[No. L-22012/390/96-IR (C-II)]

N. P. KESAVAN, Desk Officer

**ANNEXURE**

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM -LABOUR COURT, 1230 WRIGHT TOWN, JABALPUR (MP)

PRESIDING OFFICER : K. M. RAI

CASE NO. CGIT/LC/(R)(260) OF 1997

Shri Ram Sai : Workman

I's.

South Eastern Coalfields Ltd., : Management  
Dhulwadhi Project

**AWARD**

(Passed on 23rd day of January, 2002)

The Government of India, Ministry of Labour, New Delhi, has referred the present dispute vide Order No. L-22012/390/96/IR (C-II) dated 03-09-1997 for adjudication as under :

“Whether the action of the management of Dhulwadhi Project of SECL, Bilaspur, in terminating the services of Sh. Ram Sai, Loader, is legal and justified? If not, to what relief is the workman entitled and from which date?”

2. The workman remained absent in spite of service of notice on him. It appears that he is not interested in pursuing his claim as referred by the Government of India. Hence, no dispute exists between the parties in the present case.

3. In the light of the fact stated above, it is held that no dispute exists between the parties in this case.

4. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 फरवरी, 2002

का. आ. 774.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट [संदर्भ सं सी जी आई टी/एल सी/ (आर)(72)/2000] को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-02-2002 को प्राप्त हुआ था।

[सं. एल-22012/434/99-आई आर. (सी.-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 11th February, 2002

**S.O. 774.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. CGIT/LC/(R)(72) of 2000] of the Central Government Industrial Tribunal/Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 05-02-2002.

[No. L-22012/434/99-IR (C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM -LABOUR COURT, 1230 WRIGHT  
TOWN, JABALPUR (MP).

PRESIDING OFFICER : K. M. RAI

CASE NO. CGIT/LC/(R)(72) OF 2000

Secretary, : Union  
Samyukta Koyla Mazdoor Sangh  
(AITUC), C/o. SECL  
Balgi Branch, PO : Balgi Colliery,  
Korba (CG)

Vs.

Sub Area Manager, Balgi Project : Management  
S.E.C.L.  
PO : Balgi Colliery,  
Dist. Korba (CG)

#### AWARD

(Passed on 22nd day of January, 2002)

The Government of India, Ministry of Labour, New Delhi, has referred the present dispute vide Order No. L-22012/434/99/IR (CM-II) dated 29-2-2000/7-3-2000 for adjudication as under :

“Whether the action of the management of Balgi Project, SECL in denying promotion to Shri Ram Niwas Ram in Cat.IV w.e.f. 5-12-94 i.e. the date from which promotion was given to his junior Sh. Ghanshyam Tripathi is legal and justified ? If not, to what relief the workman is entitled?”.

2. Parties have filed written settlement for passing no dispute award in terms thereof. This application has been voluntarily filed by the union. In the light of this application, no dispute exists between the parties in this case. Hence, no dispute award is passed.

3. In the light of the fact stated above, it is held that parties have settled dispute between them and Union does not press the present claim as referred. Hence, no dispute exists between the parties in this case. No dispute is accordingly passed.

4. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 फरवरी, 2002

**का. आ. 775.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट [संदर्भ संख्या CGIT/LC/(R)(73/2000)] को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-02-2002 को प्राप्त हुआ था।

[सं. एल-22012/435/99-आई आर. (सी. II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 11th February, 2002

**S.O. 775.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. CGIT/LC/(R)(73) of 2000] of the Central Government Industrial Tribunal/Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 05-02-2002.

[No. L-22012/435/99-IR (C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM -LABOUR COURT, 1230,  
WRIGHT TOWN, JABALPUR (MP)

PRESIDING OFFICER : K. M. RAI

CASE NO. CGIT/LC/(R)(73) OF 2000

Secretary, : Union  
Samyukta Koyla Mazdoor Sangh  
(AITUC), C/o. SECL  
Balgi Branch, PO : Balgi Colliery,  
Korba (CG)

Vs.

Sub Area Manager,  
Balgi Project,  
S.E.C.L.  
PO : Balgi Colliery,  
Dist. Korba (CG)

: Management

### AWARD

(Passed on 21st day of January, 2002)

The Government of India, Ministry of Labour, New Delhi, has referred the present dispute vide Order No. L-22012/435/99/IR (C-I-I) dated 29-2-2000/7-3-2000 for adjudication as under :

“Whether the action of the management of Balgi Project, SECL in denying promotion to Shri Sanad Kumar Verma in Cat. IV w.e.f. 5-12-94 i.e. the date from which promotion was given to his junior Sh. Ghanshyam Tripathi is legal and justified ? If not, to what relief the workman is entitled?”

2. Parties have filed written settlement for passing no dispute award in terms thereof. This application has been voluntarily filed by the union. In the light of this application, no dispute exists between the parties in this case. Hence, no dispute award is passed.

3. In the light of the fact stated above, it is held that parties have settled dispute between them and Union does not press the present claim as referred. Hence, no dispute exists between the parties in this case. No dispute is accordingly passed.

4. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 11 फरवरी, 2002

का. आ. 776.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट [संदर्भ संख्या CGIT/LC/(R)(4)/2000] को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-02-2002 को प्राप्त हुआ था।

[सं. एल-22012/21/98-आई आर. (सी. II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 11th February, 2002

S.O. 776.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award [Ref. No. CGIT/LC/(R)(4) of 2000] of the Central Government Industrial Tribunal/Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workmen, which was received by the Central Government on 05-02-2002.

[No. L-22012/21/98-IR (C-I-I)]

N. P. KESAVAN, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM -LABOUR COURT, 1230 WRIGHT  
TOWN, JABALPUR (MP).

PRESIDING OFFICER : K. M. RAI

CASE NO. CGIT/LC/(R)(4) OF 1999

Shri Chandra Bhusan Mahato ..... Workman

Vs.

Gevra Project, .....Management  
South Eastern Coalfields Ltd.,  
Bilaspur (CG)

### AWARD

(Passed on 23rd day of January, 2002)

The Government of India, Ministry of Labour, New Delhi, has referred the present dispute vide Order No. L-22012/21/98-IR(C-II) dtd. 27-11-1998 for adjudication as under :

“Whether the action of the management of the SECL Gevra Project, Distt. Bilaspur in not giving the weightage to past service and not protecting the basic pay after demoting Sh. Chandra Bhusan Mahto as a Pitman Clerk-III from MTK Gr. III and granting him initial basic of Pitman Clerk-III is justified ? If not to what relief the workman is entitled ?”

2. The workman remained absent in spite of service of notice on him. It appears that he is not interested in pursuing his claim as referred by the Government of India. Hence, no dispute exists between the parties in the present case.

3. In the light of the fact stated above, it is held that no dispute exists between the parties in this case.

4. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K.M. RAI, Presiding Officer

नई दिल्ली, 14 फरवरी, 2002

का.आ. 777.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-2-2002 को प्राप्त हुआ था।

[सं. एल 22012/580/99-आई.आर. (सी.एम.-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 14th February, 2002

S. O. 777.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the employers in relation to the The Chief General Manager, WCL and their workmen, received by the Central Government on 13-02-2002.

[No. L-22012/580/99-IR (CM-II)]

N. P. KESAVAN, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL, NAGPUR

## PRESENT :

Shri B. G. Saxena, Presiding Officer

Reference No. CGIT : 217/2000

THE CHIEF GENERAL MANAGER, W.C.L.

AND

SHRI KALLOO PRASAD

## AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2 (A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide Order No. L-22012/580/99/IR (CM-II) dated, 28-06-2000 on the following schedule.

## SCHEDULE

“Whether the action of the Management of Rawanwara Khas Colliery of WCL, Pench Area, PO : Dighawani, Distt. Chhindwara (MP) in terminating the services of Sh. Kalloo Prasad S/o Deonandan, Trammier, T. No. 1654

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of Rawanwara Khas Colliery of WCL, Pench Area w. e. f. 12-02-99 is justified ? If not, to what relief the workman is entitled to ?”

In this reference application has been moved by the counsel for the workman today that the case be closed as the witness is not available from the side of workman to file affidavit. The counsel Shri C. L. Jaiswal has mentioned in his application dated 31-01-02 that he had informed the workman atleast six times that the case is fixed for evidence but neither the workman Kalloo Prasad S/o Deonandan turned up nor he informed any reason for his absence.

The counsel for the workman has therefore requested that the case be decided.

The counsel for the management has also mentioned that the case be closed for want of prosecution. In view of the above submissions of the parties, it is evident that the workman is himself not interested in producing any evidence in support of his claim. In the above circumstances the reference is disposed of for want of prosecution.

## ORDER

The counsel for the workman, Kalloo Prasad has moved application on 31-1-2002 that the workman did not turn up for adducing evidence in support of his claim. In view of the above application dated 31-01-02, the counsel has prayed for disposed of this case.

The reference is disposed of for want of prosecution.

Date : 31-1-2002

B. G. SAXENA, Presiding Officer

नई दिल्ली, 29 जनवरी, 2002

का. आ. 778.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत गोल्ड माईन्स लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बेंगलूर के पंचाट (संदर्भ संख्या 87/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-1-2002 को प्राप्त हुआ था।

[सं. एल.-43012/14/95-आई.आर. (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 29th January, 2002

S.O. 778.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 87/97) of the Central Government Industrial

Tribunal Bangalore, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Gold Mines and their workman, which was received by the Central Government on 28-1-2002.

[No. L-43012/14/95-IR(M)]

B. M. DAVID, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BANGALORE

Dated : 18th January, 2002

#### PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com., LLB.,  
Presiding Officer.

#### CGIT-CUM-LABOUR COURT BANGALORE

C.R. No. 87/97

#### I PARTY

The President,  
Bharat Gold Mines  
Association,  
No. 545, Near Punjabi  
Quarters, Oorgaum,  
Kolar Gold Fields-563 120  
Advocate K. V. Satyanarayana.

#### II PARTY

The Managing Director,  
Bharat Gold Mines Limited,  
Suvarna Bhavan,  
Kolar Gold Field-563120,  
Advocate A. S. Bopanna.

#### AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. 43012/14/95-IR (Misc) dated 13th December, 1995 for adjudication on the following schedule :

#### SCHEDULE

"Whether the management of Bharat Gold Mines Limited is justified in fixing the age of Superannuation of Shri G. Balaraman, PE No. 067888 at 58 years, ignoring their own circular dated 30-3-1970 and also misinterpreting the above circular? If not what relief Shri Balaraman is entitled to and from which date?"

2. The first party was working with the management. The management fixed the age of Superannuation of the workman at the age of 58 years ignoring their own circular dated 30th March 1970 issued by the management and therefore, Industrial Dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the workman is as under :

5. The workman has put in 34 years of service in the Second party concerned company. Initially he joined the services of the Company in July 1961 as an underground workman and he worked for 8 years there,

6. It is the further case of the workman that subsequently on 4-9-1969 the second party concerned company transferred the first party workman to surface as a Loco-driver and the workman continued to serve in that capacity for about 20 years i.e. up to the end of 1989. There was another transfer to the Central Transport Department as a transport driver where he accidentally came to know that he will be retiring at the age of 58 years and an erroneous entry is made by the concerned clerk of the Transport Department instead of 60 years as his Superannuation age.

7. The main contention of the first party workman is that he is entitled to serve up to the age of 60 years as per Circular No. 2B dated 30th March, 1970 which has been issued by the Chairman-Cum-Managing Director of the Kolar Gold mining undertaking which was the erstwhile name of the second party company. The circular was re-affirmed by the BGML News Bulletin (Special Issue) dated 4-3-1974 which states that all surface workmen already in service on 28-3-1970 will be allowed to continue in service up to the age of 60 years in accordance with the rules now in force.

8. The first party workman became a permanent surface employee on 4th September, 1969. At the time of the Circular No. 2B dated 30th March, 1970, the first party concerned workman was a surface employee for 6 months and 24 days thus satisfying the condition of being already on surface on 28-3-1970 from which date the rule came into force. He made many representations but nothing has happened. The workman has prayed to pass award in his favour. He wants a direction to the management to correct the age of Superannuation from 58 years to 60 years.

9. The case of the management in brief is as follows :

10. It is true that the workman joined the services of the Company on 1-7-1961 as General Labour. It is mainly contended by the management that the first party has been transferred at his own request. On the other hand the first party requested the second party for his transfer and the second party transferred him to Engineering Department at his request as Diesel Loco Driver and he was promoted as Transport Driver-II Sr. Grade w.e.f. 1-1-80 and was transferred to Central Transport Department and therefore subsequent transfer will not alter the age of superannuation.

11. It is the further case of the management that prior to 31st March, 1970 the condition of service stipulated that underground workman can work up to the age of 55 years and the surface workman up to the age of 60 years. Initially the age of superannuation in respect of first party workman was 55 years and with a view to bring uniformity in the age of retirement it was decided both the underground and surface workman may be allowed to work upto the age of 58 years. The workman had the benefit of 3 years extension of service. The workman was not a surface workman as he was initially appointed for underground work and subsequently transferred to surface on his request. The management for these reasons and for some other reasons has prayed to reject the reference.

12. It is seen from the records that management examined MW1, Mr. N. Balasubramany, Manager, KGF. His evidence is that the workman is appointed for underground work and his retirement age was initially 55 years and it was revised to 58 years. For underground workman it was not raised to 60 years.

13. Ex. M1 is the Service Card. It is his further evidence that during 1969 first party was transferred to Surface from Underground at his request. Ex. M2 is the Circular. He says that according to Ex. M2 the retirement age of first party was 58 years because he was the employee of the underground. The cadre of workman in Underground and Surface is important.

14. MW1 in his cross-examination has stated that on 4-9-1969 the first party was transferred from Underground to Surface and it is true that when Ex. M2, Circular was issued and the first party has completed service of 6 months and 24 days. He says in his cross-examination that he does not know that one Mr. Selvaraj was transferred from underground to surface on 4-9-1968. He does not know few others were also transferred from underground to surface.

15. He further said that he does not know that the case of Selvaraj is similar and he retired at the age of 60 years along with others.

16. In order to appreciate his evidence let us see the documents relied by the management. It is in evidence that since 4-9-1969 the first party was transferred for underground work and he was in the employee of surface. I have carefully perused the employment cards.

17. Ex. M2 is the circular. According to this Ex. M2 all Surface workmen already in service on 28-3-1970 will be allowed to continue in service upto the age of 60 years in accordance with the rules in force. With this and the evidence of MW1, I am of the firm opinion that the management is not justified in retiring the workman at the age of 58 years because the workman was already working in surface since 4-9-1969 and the date given in Circular is 28-3-1970. Ex. W1, W2 and W3 also would go to show that some similar workmen have retired at the age of 60 years.

18. It was vehemently argued by the management that workman is not entitled to retire at the age of 60 years because this workman has been transferred by the management on his own request from underground to surface. Therefore the circular does not apply to the workman.

19. During the course of arguments the learned counsel appearing for the management submitted that no such request letter is filed. She further fairly conceded that there is no documentary evidence to establish that this workman has requested for his transfer and the management has transferred him to surface. She further submitted that few similar workmen were transferred by the management and not on their request. All that would have been proved by filing documents. But nothing is done. Therefore, I am of the opinion that there is discrimination so far as this workman is concerned and the management is not justified in retiring the workman at the age of 58 years.

20. The workman has given evidence in detail in support of his case. Nothing is made out from his cross examination to disbelieve him. He categorically says that Shri Ismail and Selvaraj who were also transferred like him retired at the age of 60 years. The evidence of workman seems to be quite natural and believable.

21. I have already said that the management has failed to prove that the transfer of workman was on his request.

22. During the course of arguments, the workman who was present in the court has submitted that he is now 63 years old. He was to retire at the age of 60 years and that stage has passed.

23. The learned counsel appearing for the first party workman initially submitted that the workman may be awarded back wages but subsequently he fairly and rightly submitted that the workman is entitled at least for pensionary benefits and other benefits as per rules for 2 years more i.e. up to the age of 60 years which is the age of Superannuation of the workman.

24. According to the documents filed by the workman it is also clear that the workman who have retired at the age of 60 years got some more benefits. There is merit in this contention of the workman and accordingly I proceed to pass the following order :

#### ORDER

The reference is partly allowed. The management is directed to give all pensionary and other benefits as per rules for 2 more years treating the retirement of the workman at the age of 60 years. No other benefits are awarded. Accordingly award is disposed off.

(Dictated to PA transcribed by her corrected and signed by me on 18th January, 2002).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 29 जनवरी, 2002

का. अ. 779.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार हिन्डाल्को इण्डस्ट्रीज लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनवाद के पंचाट ( संदर्भ संख्या 266/99) को प्रकाशित करती है, जो केन्द्रीय सरकार की 24-1-2002 को प्राप्त हुआ था।

[उ. एल.-29011/12/99-आई. आर. (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 29th January, 2002

S.O. 779.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.

266/99) of the Central Government Industrial Tribunal, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Hindalco Ind. Ltd. and their workman, which was received by the Central Government on 24-1-2002.

[No. L-29011/12/99-IR(M)]  
E. M. DAVID, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

#### PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under  
Section 10(1)(d) of the I.D. Act, 1947

Reference No. 266 of 1999

#### PARTIES :

Employers in relation to the management of M/s.  
Hindalco Industries Ltd. and their workmen.

#### APPEARANCES :

On behalf of the workmen : Shri Rajbansh Singh,  
General Secretary, BMMS Union.

On behalf of the employers : Shri G. Prasad,  
Advocate.

STATE : Jharkhand. INDUSTRY : Aluminium.  
Dated, Dhanbad, the 2nd January, 2002

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-29011/12/99/IR(M) dated, the 6th July, 1999 :

#### SCHEDULE

"Whether the demand of the Union to regularise the seven workmen namely S/Shri Ram Prasad Oroan, Rameshwar Oroan, Biju Oroan, Birbal Prajapati, Kardane Prajapati, Balchand Prajapati and Billua Oroan in service is justified? If yes, from what date these workmen are entitled to be regularised in service and with what benefits?"

2. In this reference parties involved in the dispute filed a Joint Compromise petition under their signature. I heard both the parties on the said compromise petition and I do find that the terms contained therein are fair, proper and in accordance with the principles of natural justice. Accordingly I accept the said Joint Compromise petition and pass an Award in terms thereof which forms part of the Award as Annexure.

B. BISWAS, Presiding Officer

#### ANNEXURE

#### BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

Employers in relation to the Management of M/s.  
Hindalco Industries Limited, Lohardaga.

#### AND

Their Workmen.

The humble joint petition of Compromise on behalf of the parties most respectfully sheweth :—

1. That the parties have amicably settled the industrial dispute relating to the regularisation of services of Shri Ram Prasad Oroan, Shri Rameshwar Oroan, Shri Biju Oroan, Shri Birbal Prajapati, Shri Kardane Prajapati, Shri Balchand Prajapati and Shri Billua Oroan on the following terms and conditions :—

- (i) That the services of above named workmen shall be regularised with effect from 16th January, 2000.
- (ii) That the wages of above named workmen shall be fixed as per Wage Agreement dated 18-5-99 and Supplementary Agreement dt. 13-9-99.
- (iii) That these above named workmen shall have no other claim whatsoever as against the instant reference.
- (iv) That these workmen shall maintain good conduct and should they indulge in any misconduct in future and if it is proved in a domestic enquiry, the Management shall have the right to take disciplinary action as may be necessary.
- (v) That the Management may transfer them to other establishment, as and when required, from time to time, as per provision of standing orders.
- (vi) That it is agreed that this is an overall agreement/settlement in full and final settlement of all the claim of the workmen arising out of the above reference.
- (vii) That the parties agreed that the settlement is fair, just and proper, and have set their hands after understanding the same.
- (viii) That it was also agreed that six copies of this settlement be filed before the Hon'ble Tribunal and the Tribunal may be prayed to pass an award in terms of the settlement.

It is, therefore prayed that your honour may be graciously pleased to accept the settlement and pass an award in terms of the settlement and for this act of kindness the parties shall ever pray.



For the Workmen : (RAJBANSH SINGH), General Secretary, BMMS Union. Witness..... Advocate.	For the Employers : (N. K. BIRLA), Agent of Mines. Witness Rakesh Ranjan, Personal Officer Advocate.
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नई दिल्ली, 29 जनवरी, 2002

का. आ. 780.—औद्योगिक विवाद अतिनिधम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुदरेमुख आइरन ओर कं. लि. के प्रबंधक के संज्ञा नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अतिनिधम, बैंगलोर के पंचाट (संदर्भ संख्या 99/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-1-2002 को प्राप्त हुआ था।

[सं. एल.-26012/7/98-आई.आर. (एम)]  
बी. एम. डेविड, अवर सचिव

New Delhi, the 29th January, 2002

S.O. 780.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 99/98) of the Central Government Industrial Tribunal Bangalore now as shown in the Annexure in the Industrial Dispute between the employer in relation to the management of Kudremukh Iron Ore Co. Ltd. and their workman, which was received by the Central Government on 28-1-2002.

[No. L-26012/7/98-IR(M)]

B. M. DAVID, Under Secy.

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT BANGALORE

"SHRAM SADAN"

Dated : 11th January, 2002

## PRESENT :

Hon'ble Shri V. N. Kuikarni, B.Com., LLB.,  
Presiding Officer.CGIT-CUM-LABOUR COURT, Bangalore  
C.R. No. 99/98

## I PARTY

Smt. B. S. Jyothi Ramesh  
FD-4, HAL Township,  
Opp. HAL Staff College,  
Vimanapura P.O.,  
Bangalore-560017  
Advocate-Ganesh Bhat Y. H.

## II PARTY

The Dy. General Manager (P)  
Kudremukh Iron Ore Company Ltd.  
Kudremukh-577142  
Advocate-K. Kasturi.

## AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-26012/7/98/IR(M) dated 26th November, 1998 for adjudication on the following schedule :

## SCHEDULE

"Whether the action of the management of Kudremukh Iron Ore Company Ltd., Kudremukh in discharging the services of Smt. B. S. Jyothi Ramesh, Ex-Technical Assistant Grade II, Kudremukh Iron Ore Company Ltd. is justified? If not, to what relief the said employee is entitled?"

2. The first party was working with the Second Party management as Technical Assistant Grade-II. She was discharged from service and therefore, this Industrial Dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. In order to dispose off this reference, few facts, are necessary and they are as under :—

5. It is the case of the first party that she was working as Technical Assistant Grade II in the process control laboratory of the Second Party at Kudremukh since last 8 years. The second party is an undertaking of the Govt. of India having its factory at Kudremukh at Chickamangalore District and registered office at Bangalore.

6. It is the further case of the first party that her husband who was earlier an employee of the second party at Kudremukh voluntarily resigned from the employment of the second party and joined the services at M/s. Hindustan Aeronautics Ltd. after serving for about 15 years with the Second Party Management. First party was visiting Bangalore regularly and she fell sick and therefore she remained absent and she applied for leave. The details are given in para 4 of the Claim Statement.

7. It is her further case that prior to her visit to Bangalore the applicant had applied for earned leave from 25-5-96 to 14-8-96 for a period of 70 days and HPL from 16-8-96 to 24-8-96 for a period of 80 days and the said leave was sanctioned by the sanctioning authority of the second party. She again fell sick and continued to suffer from ill health and she sought for extension of leave up to 30th September 1996 covering HPL and LWP and undertook to furnish the necessary medical certificate at the time of joining duty. She could not recover from her ill health and sent further leave application requesting the management to grant leave up to 23-9-96. But the management asked her to report for duty. According to the Claim Statement she again continued to be sick and she applied for leave but it was not sanctioned. Provisions of standing orders are also stated in para 4 of the Claim Statement.

8. It is her further case that she submitted an explanation to the charge sheet and the Enquiry Officer conducted enquiry against her. The enquiry is not

proper and detail allegations are made in para 5 of the Claim Statement. Regarding enquiry it is said that no opportunity was given to her to defend herself during the enquiry. The enquiry is bad in the eye of law.

9. It is her further case that the second party officers are vindictive against the first party and there is victimization. First party for these reasons and for some other reasons has prayed to pass award in her favour.

10. Against this the case of the management is as under :—

11. It is true that the first party joined the second party company as Junior Assistant Grade II.

12. It is the further case of the management that the husband of the first party was working with the management and he has resigned after 15 years of service.

13. It is the further case of the management that the first party was sanctioned leave from 25-5-1996 to 24-8-1996 for the reasons of family problems. She was due to report for duty on 26-8-1996 and instead of reporting for duty she had requested for extension of leave up to 30-9-96 on the ground of ill health. She was informed telegraphically that leave will not be sanctioned. Letters were also sent to this effect. Details are given in para 4 of the Counter. She was advised to report for duty but she did not report. She was also advised to report for medical examination latest by 5-10-96.

14. The case of the management is that initially she applied for leave on account of family problems and subsequently on ill health and therefore the case of the first party is not correct. In view of her long absence without sanction of leave will amount to misconduct as per the provision of the Company's certified Standing Orders and therefore charge sheet was issued and enquiry was held.

15. Regarding enquiry it is stated by the management that all the allegations made by the first party are not correct and the enquiry is valid and proper and full opportunity was given to her to defend herself but even she avoided to attend the enquiry. Details are given in the Counter regarding enquiry. First party working in a production department which is an important thing in achieving the companies objective and when first party did not participated in the enquiry, the enquiry officer was compelled to conduct ex parte enquiry after giving sufficient time to the first party and the enquiry is correct.

16. The main contention of the management is that the first party brought pressure from outside for her transfer to Bangalore office and there was no equivalent post at Bangalore and therefore her request was not considered and so she intentionally remained absent and failed to attend enquiry. Therefore, the action of the management is correct.

17. It is seen from the records that the management examined MW1 to prove the Domestic Enquiry. Against this workman got examined himself as WW1. MW1 has given detailed evidence about the enquiry

conducted by him. According to MW1 he gave time and adjourned the enquiry but the first party did not co-operate during the enquiry. First party gave evidence saying that the enquiry is not proper and no opportunity was given to her etc.

18. It is in the cross examination of WW1 that many adjournments were given on her request. It is also in her evidence that leave was not sanctioned.

19. It is seen from the records that this tribunal by its order dated 15th October 2001, passed orders holding that the Domestic Enquiry is fair and proper. Thereafter the first party requested to permit her to examine further on victimization and she was permitted to do so. She has stated that she was discharged from service and there is a victimization and unfair labour practice on her because some others who were unauthorisedly absent for 30 days were not discharged from service. She has produced Ex. M33.

20. Thereafter the management examined MW2, Shri G. V. Srinath and according to his evidence Ex. M8 is the statement prepared by the Accounts Department and Personal Department giving dates of unauthorized absence of employees as shown in Ex. M8. It is also in his evidence that for short absence minor punishments were proposed on them. This is all the evidences adduced by the parties.

21. I have heard counsels appearing for the parties in details. I have perused the written arguments filed by the management. I have considered the decisions relied by the management.

22. In the instant case it is clear that Domestic Enquiry is held as fair and proper. Now the enquiry is held as fair and proper we will have to see whether the action of the management is proper. Further we have to see whether the punishment imposed is proportionate or harsh.

23. I have carefully perused the enquiry proceedings. According to the documents produced during enquiry, it is abundantly clear that the first party without the sanction of leave remained absent throughout and she did not join at all. Even during enquiry she has not co-operated the management and went on sending leave applications. It was also informed her that leave is not sanctioned but she failed to join duty. First party said in her cross examination that on 12-2-97 she replied all the letters of the management and she could not attend the enquiry because of ill health. She also says in her cross examination that she was not admitted as in-patient.

24. Man may speak lie but the circumstances will not speak lie. It is clear from the material before me that her husband was working at Bangalore and first party requested for transfer to Bangalore and the management could not consider her request because there was no equivalent post at Bangalore and therefore, she without following any discipline remained absent unauthorisedly for a long period that too without sanction of leave.

25. She also admits in her cross examination that she has not produced any documents to show that the leave was sanctioned.

26. Ex. 27 is a note sheet given by Dy. Manager (Vigilance), M. R. Manohar. First party was subjected for verification with the Doctors of Govt. Secretariat Dispensary, Vidhana Soudha, Bangalore. According to this Ex. 27 two Doctors have stated that they have issued medical certificates to first party on 24-8-1996, 23-9-1996, 23-10-1996 and 22-11-1996 respectively and she was ailing from Low back ache and Pelvic inflammatory disease. They have further stated that there was no dispensary record to show that first party had undergone any treatment. In other words it is clear from this that the first party has not undergone any treatment at all.

27. According to Ex. 27 Doctors have further stated that they have issued certificates by oversight and they have stated that in future first party will not be entertained by them. All this would go to show that the first party wanted transfer to Bangalore because her husband was working at Bangalore but that was not considered and therefore, she remained unauthorisedly absent even without observing required discipline and against the service rules. She has not even taken pains considering the effect of her remaining unauthorisedly absent. It was vehemently argued by the learned counsel for the second party that first party was working in a production department and her unauthorized absence has affected the production work of the company and therefore this is not a fit case to take any lenient view considering her request under Section 11 A of the Industrial Dispute Act for any light punishment.

28. In support of this argument she relied the following decisions :

- (1) 2000(5)SC 65 Syndicate Bank Vs Joint Secretary, Syndicate Bank Staff Association and others.
- (2) 2001—1 LLJ SC page 174 between Punjab and Sind Bank and Others and Sakattar Singh.
- (3) 1999(1)LLR page 232.

29. In the above referred Bombay High Court case the workman was a labour and he was a habitual absentee from work. It was held that the dismissal was justified. She further relied 2001 LLR Page 1180 and LLR 1994 (Karnataka) Page 3461.

30. I have read the above decision very carefully. In my opinion in the instant case first party remained absent for a long period and she refused to report duty when management requested her to join duty. I have already said that she has also not participated in the enquiry proceedings and remained absent on the ground of family problems and ill-health.

31. It is clear from the records that the first party has not proved that she was unable to leave Bangalore on account of ill health because she has stated in her cross examination that she was never an inpatient in any hospital.

32. The learned counsel appearing for the first party has argued that in the instant case initially leave was sanctioned and thereafter the management has not sanctioned the leave without any good reasons and have discharged the first party from service and therefore, the action of the management is not correct. She

also argued that there is victimization and unfair labour practice because some other employees who remained absent were imposed minor punishments and they were not discharged from service.

33. In this regard I have considered the evidence before me and I am of the opinion that some officials remained absent for a short period and the management has imposed minor punishments for their absence. Absolutely there is no evidence on behalf of the first party to believe the case of victimization. Mere saying that there was victimization and unfair labour practice is not sufficient to prove this aspect.

34. The learned counsel appearing for the management has relied AIR 1976 Supreme Court page 98 and submitted that there is not victimization at all and in the instant case DE is held as fair and proper and therefore there is no merit in the contention put forth by the first party. I have read the above decision carefully. It is held in the above decision of the Hon'ble Supreme Court of India that :

"Where there is no defect in procedure in a domestic enquiry against an employee, the Tribunal while granting or withholding permission under Section 33 does not sit as a court of appeal, weighing or re-appreciating the evidence for itself but only examines the finding of the enquiry officer on the evidence in the domestic enquiry as it is, in order to find out either whether there is a prima facie case or if the findings are perverse."

"It is further held in the above decision that ordinarily a person is victimized, if he is made a victim or a scape goat and is subjected to persecution, persecution or punishment for no real fault or guilt of his own, in the manner, as it were, of a sacrificial victim." Types of victimization are also stated in the above decision.

35. Keeping in mind the principles held in the above decision, I am of the opinion that there is no victimization at all. I have given my best consideration on the material before me and I am of the opinion that the first party workman without sanction of leave remained unauthorisedly absent for a long period and she never bothered to report for duty even after many request made by the management to report for duty. Therefore, this is not a fit case to invoke the provisions of Section 11A of the ID Act.

36. Further keeping in mind the principles held in ILR 1994 (Karnataka) Eshwarachar Vs. Executive Engineer (Electrical) Page 3461, I am of the opinion that ends of justice will meet if the order of discharge stand modified as one of termination w.e.f. date of discharge.

37. In the above decision of the Karnataka High Court it is held that the order of dismissal does appear to be too harsh in so far as the petitioner would be deprived of whatever benefits might have accrued to him by virtue of his earlier service and more importantly it may act as a bar for re-employment elsewhere and in these circumstances, the order of dismissal shall stand modified to one of termination from service with effect from same date and the petition was partly allowed.

38. The learned counsel appearing for the management said that she has nothing to say in the instant case if the order of discharge is modified to one of termination. With this fair submission of the learned counsel and according to the material before me I am of the opinion that ends of justice will meet if the order of discharge is modified to that of termination so that the first party will be entitled for few benefits for her past service. Accordingly I proceed to pass the following order :

### ORDER

The reference is partly allowed. The order of discharge is modified to one of termination from service with effect from the date of discharge from service. Accordingly award is passed.

(Dictated to PA transcribed by her corrected and signed by me on 11th January 2002).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 30 जनवरी, 2002

का. आ. 781.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेमानल इश्यूरेन्स कंपनी लिमिटेड के प्रबंधन के संबंध निोजकों और उनके कर्मचारों के बीच, अग्रवृत्त से निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, चंडीगढ़ के पंचाट (संदर्भ संख्या 86/90) को प्रकाशित कती है, जो केन्द्रीय सरकार को 29-1-2002 को प्राप्त हुआ था।

[स. एन.-17012/2/89-प्र.उ. आर. (बी-II)]

सी. गंगधरान, अवर सचिव

New Delhi, the 30th January, 2002

S.O. 781.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 86/90) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the annexure in the Industrial Dispute between the employers in relation to the management of National Insurance Company Limited and their workman, which was received by the Central Government on 29-1-2002.

[No. L-17012/2/89-IR(B-II)]

C. GANGADHARAN, Under Secy.

### ANNEXURE

BEFORE SHRI S. M. GOEL, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 86/90

Anil Saini C/o Chaudhry Ishwar Dass Saini, H. No. 35/221 Near Gurudwaras, Mohalla Sarnia Pathankot,  
— Applicant.

Versus

The Regional Manager, National Insurance Co. Ltd.  
S.C.O. 337-340 Sector-35-D, Chandigarh.  
— Respondent.

### APPEARANCES :

For the Workman : Shri K. S. Kapoor.

For the Management : Shri Pardeep Bedi.

### AWARD

(Passed on 3-1-2002)

The Central Govt. vide Gazette notification No. L-17012/2/89-IR Bank-I dated 3rd of October, 1989 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of National Insurance Co. Ltd. in terminating the services of Shri Anil Saini, a daily rated workman at their Chamba branch w.e.f. July, 1987 is legal and justified and if not what relief the workman is entitled to?"

2. The applicant filed claim statement in which he has pleaded that he has worked with the management at their Chamba Branch w.e.f. 24-12-1985 to 30-6-1987 on the pay of Rs. 600/- per month. He has claimed that his services were terminated on 30-6-1987 without payment of retrenchment compensation and notice and notice pay etc. He has prayed for reinstatement of his services with full back wages and other attendant benefits.

3. In written statement the management pleaded that applicant remained in employment of the management in clerical cadre w.e.f. 10-12-1985 to 19-7-1986 and worked for 126 days only. It is denied that applicant worked in different names. Later on the workman was appointed as an agent and he was paid commission, as per the work procured by him. The applicant worked with the management only for 126 days and provisions of Section 25-F of the I.D. Act are not attracted in his case. The respondent prayed for the dismissal of the reference.

4. The applicant filed rejoinder in which the contents of the claim has been reiterated. In replication the factum of being an agent with the management has been admitted.

5. Both parties have filed their affidavits. But the workman choose not to put himself for the cross-examination by the management. He has also not filed any documents in support of his claim. The witness of the management K. L. Bason appeared as MW and the rep. of the workman cross-examined him.

6. I have heard both the parties and gone through the record of the case.

7. In this case, the workman has not entered into the witness box. No documents has been filed in support of his case. It is the admitted position that workman has worked with the management w.e.f. 24-10-1985 to 19-7-1986. Thus he has not completed 240 days of service with the management to attract

the provisions of Section 25-F of the Industrial Disputes Act, 1947. After this period he was a licenced agent with the company and he was paid his commission as per the work procured by him. Thus he is not a workman under the definition of the I.D. Act, 1947. The allegation of the workman that he worked under the different names has not also been proved by the workman by any evidence. The argument of the applicant that the management has also violated the provisions of Section 25-H and G of the I.D. Act 1947 also does not carry any weight as no name of any junior has been given. The name of any person appointed after termination of his service is also not given by applicant. So, the management can not be held to have violated the provisions of the Industrial Disputes Act, 1947.

8. In view of the above, I find no merit in the claim of the applicant and the action of the management of National Insurance Co. Ltd. in terminating the services of Shri Anil Saini, a daily rated workman at their Chamba branch w.e.f. July 1987 is legal and justified. The workman is not entitled to any relief. Central Govt. be informed.

Chandigarh.

S. M. GOEL, Presiding Officer

नई दिल्ली, 31 जनवरी, 2002

क. आ. 782.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में श्रम शांति, अर्थात्लम के पंचाट [संदर्भ संख्या 8 आफ 1994 (सी)] को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-01-2002 को प्राप्त हुआ था।

[सं. एल.-12011/13/94-आई. आर. (बी-II)]

सी. गंगधरण, अवर सचिव

New Delhi, the 31st January, 2002

S.O. 782.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. 8 of 1994 (C)] of the Labour Court, Ernakulam as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workman, which was received by the Central Government on 29-1-2002.

[No. L-12011/13/94-IR(B-II)]

C. GANGADHARAN, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(Labour Court, Ernakulam)

(Monday, the 8th day of October, 2001)

#### PRESENT :

Smt. N. Thulasi Bai, B.A., LL.B., Presiding Officer.

Industrial Dispute No. 8 of 1994 (C)

529 GI/2002—42,

#### BETWEEN

The Zonal Manager, Indian Bank, Zonal Office, Anandhi, Chittoor Road, Pulleppady, Kochi 682035.

#### AND

The General Secretary, Indian Bank Employees Association (Kerala), 41/1757, Paramara Buildings, Opposite Town Hall, Cochin-682018.

2. Sri M. Sathyadas, Agricultural Assistant, Indian Bank, Thorapalayam Branch, Palakkad District. (No. 2 is implemented as per order in M.P. 43/98 dated 9-9-1998).

#### REPRESENTATIONS :

M/s. Easwar and Mani, Advocate, Ernakulam, Kochi-35.

... For Management.

M/s. H. B. Shenoy and Asok B. Shenoy, Advocates, Vatsal, Krishnaswamy Road, Kochi-35.

... For Union.

Sri A. Jayasankar, Advocate. Kochi-17.

... For Workman.

#### AWARD

This is a reference made by the Government of India as per letter No. 12011/13/94-IR (B-II) dated 27-9-94 in respect of an Industrial Dispute between the management of Indian Bank and their workman represented by the General Secretary, Indian Bank Employees Association, Paramara Building, Opposite Town Hall, Cochin. The dispute referred is that "Whether the action of the management of Indian Bank, Cochin in posting Shri M. Sathyadas as Agricultural Assistant at Thorapalayam Branch superceding the seniority of eligible workmen in that Branch is justified? If not, what relief is the affected workman entitled to?"

2. Pursuant to notices issued from this court both the union and management entered appearance. Union filed a claim statement and management filed counter. Thereafter union filed rejoinder.

3. In the claim statement filed by the union following claims are seen raised :—The Management bank has several Gramodaya Kendras so as the increase their agricultural lending. Each Gramodaya Kendra Co-ordinates the agricultural lending and recovery activities for four or five nearby branches of the bank. In each branch covered by the Gramodaya Kendra, an Agricultural Assistant is posted from among the clerical workmen of the bank purely on the basis of seniority. The post of Agricultural Assistant carries a special allowance in addition to the normal pay. Agricultural Assistant in a branch is being posted on the basis of seniority from among the clerical workmen of that particular branch and when suitable candidates are not available in that branch, on the basis of seniority from the clerical staff of that particular

zone. The management bank has stipulated the rules for selection and posting of Agricultural Assistants by various circulars, that is circulars dated 24-3-1984, 14-12-1984 and 5-12-1987. As per the above circulars the Zonal Managers are authorised to make the postings for Agricultural Assistants, in the branches under them. If a suitable candidate from branch is not willing to take up the assignment, the Zonal Manager should take steps to fill the post by calling for application from the workman working in the branches under the zones and select the candidate on the basis of service seniority. In August 1992, the post of Agricultural Assistant in Thorapalayam branch of the management bank fill vacant on the promotion of Sri M. Rajan, the then Agricultural Assistant. As per the above referred circulars the senior most clerk in Thorapalayam branch was to be posted and if suitable candidate from the branch was not available or willing the management was bound to call for application from workmen working in the branches of his zone, and to select the candidate on the basis of service seniority. Instead of complying with the above Rules, the management posted Sri M. Sathyadas who was working at Palakkad, as the Agricultural Assistant in Thorapalayam Branch, in violation of the circular. The action of the management in posting Sri M. Sathyadas as Agricultural Assistant at Thorapalayam branch superceding the seniority of the workman at the branch and in the zone is totally illegal and unjust. By the impugned posting the management has also violated the accepted transfer norms. So the union prays for declaring the action of the management in posting Sri Sathyadas as an Agricultural Assistant at Thorapalayam branch, superceding the seniority of eligible workman in that branch, as illegal and unjust and also for declaring that the senior most clerical workman in Thorapalayam branch is entitled to be posted as Agricultural Assistant in the branch.

4. The management filed a counter raising the following contentions :—Sri Sathyadas referred in the dispute is not a member of the Indian Bank Employees Association. But he is a member of Indian Bank Employees Union which is a recognised union and the former is not a recognised union. As the workman involved in the dispute is not a member of the union raised the dispute, the union is not entitled to maintain this dispute before this court. Sathyadas has not raised any objection against his transfer to Thorapalayam branch. No workman has raised any objection against the transfer or posting of Sri Sathyadas and the present dispute is raised by the union due to trade union rivalry. Sri Sathyadas was working a clerk in the Palakkad branch of the bank. When a post of Agricultural Assistant arose in that branch he was appointed there. One Ramachandran subsequently filed O.P. 4017/90 before the Hon'ble High Court of Kerala challenging the appointment of Sri Sathyadas as the Agricultural Assistant. As per the direction of the Hon'ble High Court in the above O.P. Sri Ramachandran was appointed as Agricultural Assistant by removing Sri Sathyadas from that post. Since Sri Sathyadas was assigned the post of Agricultural Assistant on a permanent basis by mistake, as a special case he was allowed to receive the allowance of Agricultural Assistant considering his representation, though he was not performing the duties of Agricul-

tural Assistant. As Sri Sathyadas was receiving the allowance of Agricultural Assistant without performing the duties, he was transferred to Randalumoodu branch of Kollam District when a post of Agricultural Assistant arose there. Subsequently when vacancy of Agricultural Assistant arose in Thorapalayam branch as per the norms and guidelines and after reaching an understanding with the federation, Sri Sathyadas was transferred to Thorapalayam branch of the bank. The transfer and posting was with the consent of the Employees Federation concerned. The seniority alone is not a criteria for the appointment as an Agricultural Assistant. There are other qualifications and conditions for such appointment. There were no claim by any senior clerks for the post of Agricultural Assistant to which Sri Sathyadas was appointed. The union in the present case is projecting an issue which is not in existence due to inter-union rivalry, thereby there is no bona fides for the dispute raised by the union. So according to the management the claim of the union is liable to be dismissed.

5. Union filed a rejoinder traversing the contentions raised in the written statement and reiterating the averments in the claim statement. Thereafter Sri Sathyadas referred in the dispute was impleaded as an additional party at the instance of the union.

6. Additional party filed a written statement raising the following claims :—According to the additional party the dispute is frivolous, illogical and not maintainable. The post of the agricultural assistant is in the clerical cadre which carries a special allowance. The qualifications for holding the post is fixed as minimum eligible service of two years. If the senior most clerk/shroff is already drawing a higher special allowance, then the next senior clerk should be recommended. The employee should use two wheelers whenever necessary to visit the farmers to collect requisite data and money from the borrowers thereby he should have a valid two wheeler driving licence. The additional party was working in the Palakkad branch of the management bank. He had a valid two wheeler driving licence from 1990 onwards. When a vacancy of Agricultural Assistant arose during 1990, the additional party sent an application through proper channel. As he was the only candidate fulfilling the requisite qualifications for holding the post, his name was recommended by the branch manager. Considering the application he was provisionally appointed as the Agricultural Assistant as per order dated 4-4-90. At that time he was 3rd in the seniority and one Ramachandran was the senior most. Against the appointment of the additional party Sri Ramachandran filed O.P. before the Hon'ble High Court which was disposed directing the management to consider the claim of Sri Ramachandran. Thereafter Sri Ramachandran was appointed as an Agricultural Assistant and the posting of the additional party was cancelled. Against such cancellation the additional party and union made representations to the management and the management after considering the circumstances allowed the additional party to draw special allowance due on the post of Agricultural Assistant, though he was not discharging the duties as such. It was agreed to post the additional party as Agricultural Assistant whenever a



post arises in the nearby branch. Accordingly the additional party was accommodated in the Thorapalayam branch of the management bank on 26-8-92 and the additional party is working in the post since that date. Management has full discretion and jurisdiction in the matter of posting the additional party as an Agricultural Assistant. The claim of the union that the post of Agricultural Assistant is filled up from the clerical staff purely on the basis of seniority is not correct. Union has no specific case regarding the employees whose claims have been superceded on the posting of the additional party. So the additional party prays for dismissal of the claims raised by the union.

7. Evidence adduced from both sides which consists of the testimony of additional party as WW1 and management witness as MW1 and Exts. W1 to W12 and M1 to M6.

8. Thus the points arise for determination are :

- (1) Whether the posting of Sri M. Sathyadas, Agricultural Assistant at Thorapalayam branch superceding the seniority of eligible workman in the branch is justifiable?
- (2) If not what relief the affected workman is entitled to?

9. Points.—While considering the dispute referred in the present case the first and most important aspect to be made mention is that the posting of Sri. M. Sathyadas as Agricultural Assistant at Thorapalayam branch is not challenged by the above said Sathyadas or his union. But the Indian Bank Employees Association, the union involved in the present dispute, challenges the above posting on the allegation that it has affected some workman in that branch of the bank. The management and Sri. Sathyadas the employee involved in the present reference, supported the action of the management in posting Sri. Sathyadas as Agricultural Assistant at Thorapalayam branch of the management bank. Though the allegation of the union in the reference is that the above posting of Sri. Sathyadas has effected superceding the seniority of some eligible workman in the Thorapalayam branch, who are such workman affected by the posting is not referred in the reference or in the claim statement filed by the union. The so-called workman stated to be affected by the posting has not turned up to support the union in that respect. The specific case of the management and Sri. Sathyadas, the workman involved in the reference, is that seniority alone is not the criteria of the posting as an Agricultural Assistant. It is their further case that the post of Sri. Sathyadas as Agricultural Assistant in the Thorapalayam branch was in compliance of some settlement entered into between the other unions and the management in settling the earlier disputes arose in the Cochin Division of the bank. It was pointed out by the union's counsel that Exts. M4 to M6 corresponding Ext. W8 series are the circulars issued by the management bank in respect of the posting of a clerk as Agricultural Assistant. Ext. W1 is the first circular dated 24-3-84 by which senior most clerk Shroff who has a minimum service of 3 years should be recommended by the branch Manager for the post of Agricultural Assistant. If the senior most clerk is already drawing a higher special allow-

ance then the next senior clerk should be recommended. If the branch Manager is not recommending the senior clerk he should give special reasons in that respect. The Agricultural Assistants have to use two-wheelers whenever necessary to visit farmers to collect a requisite date or money from the borrowers. Ext. M6 is the subsequent circular dated 14-12-1984 which makes some changes to the qualifications fixed in the post of Agricultural Assistant as per Ext. M5. Ext. M4 is the circular dated 5-12-87 which made further modifications regarding qualifications for the post of Agricultural Assistant. Considering the oral evidence of the management witness as MW1 and the workman as WW1 and Exts. M4 to M6, it can be found that the management was with in its powers in the matter of posting Sri. Sathyadas as the Agricultural Assistant in the Thorapalayam branch of the management bank and nobody had challenged the above posting and nobody raised a claim for the post of Sri. Sathyadas. It is evident from the written statement of the management and the oral evidence of MW1 that the management had made the posting of Sri. Sathyadas in settlement of some earlier disputes arose in the Cochin Division of the Bank and the Management has ample power and discretion in making such arrangements for the proper functioning and administration of the branches. In the absence of any personnel grievances on the part of the particular workman or employees of the bank, it cannot be found that the action of the management in posting Sri. Sathyadas as Agricultural Assistant at the Thorapalayam branch of the management bank is not justifiable and the affected workman, if any, is not entitled to get any relief as per the reference. Points are answered accordingly.

In the result, an award is passed finding that the action of the Management of Indian Bank, Cochin in posting Sri. M. Sathyadas as Agricultural Assistant at Thorapalayam branch superceding the seniority of eligible workman in that branch is justified and the so-called affected workmen are not entitled to get any relief.

Dictated to the Confidential Assistant, transcribed and typed out by her, corrected by me and passed this the 8th day of October, 2001.

Ernakulam.

N. THULASI SAI, Presiding Officer

#### APPENDIX

Witness examined on the side of Management :

MW1.—Sri. Subramanian Pillai.

Witness examined on the side of the Workman :

WW1.—Sri Sathyadas.

Exhibits marked on the side of Management :

Ext. M1.—Photostat copy of Representation dated 23-7-92 submitted to L. G. Govindakrishnan to Chief Officer of the management Bank.

Ext. M2.—Photostat copy of letter dated 27-7-92 sent by Thorapalayam branch of management bank to Chief Officer.

Ext. M3.—Photostat copy of letter dated 13-8-92 sent by Thorapalayam branch of Management Bank to Ernakulam Zonal Office.

Ext. M4.—Photostat copy of Circular No. PRNL 193/87 dated 5-12-87.

Ext. M5.—Photostat copy of Circular No. PRNL 55/84 dated 24-3-84.

Ext. M6.—Photostat copy of Circular No. PRNL 246/84 dated 14-12-84.

Exhibits marked on the side of the Workman :

Ext. W1.—Photo copy of order by the management No. PRNL 55/84 dated 24-3-84.

Ext. W2.—Copy of the order issued by the management dated 26-2-1990.

Ext. W3.—Copy of application dated 3-3-90 submitted by Sri. Sathyadas.

Ext. M4.—Copy of order dated 8-3-1990 issued by the Management.

Ext. W5.—Copy of letter dated 4-4-90 issued by the management to Sri. Sathyadas.

Ext. W6.—Copy of letter dated 1-9-1990 from the workman Sri. Sathyadas to the Management.

Ext. W7.—Copy of letter dated 3-9-90 from the Federation of Indian Bank Employees Unions to the management.

Ext. W8.—True copy of Circular No. 55/85 dated 24-3-84.

Ext. W9.—True copy of Circular No. PRNL 246/84 dated 14-12-84.

Ext. W10.—Office copy of letter dated 2-9-1992 sent by the union to Management Bank.

Ext. W11.—Office copy of letter dated 15-10-1992 sent by the Union to Management bank.

Ext. W12.—Letter No. L-12012/368/92-IR (B-II) dated 22-10-98 sent to Union by Government of India, Ministry of Labour along with Award dated 1-2-1996 in I. D. 17/93 on the file of the Industrial Tribunal, Alappuzha.

नई दिल्ली, 6 फरवरी, 2002

का. अ. 783.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार सिंडीकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण मुंबई नं. II के पंचाट [मंदर्भ संख्या (सी. जी. आई. टी.-2/

130/98] को प्रकाशित करती है, जो केंद्रीय सरकार को 4-2-2002 को प्राप्त हुआ था।

[नं. एल.-12011/57/97-आई. डी. (बी-II)]

सी. गंगधरन, अवर सचिव

New Delhi, the 6th February, 2002

S.O. 783.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/130/98) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. II as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 4-2-2002.

[No. L-12011/57/97-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

S. N. Saundankar, Presiding Officer.

Reference No. CGIT-2/130 of 1998

Employers in relation to the management of  
Syndicate Bank.

The Deputy General Manager,  
Syndicate Bank, Zonal Office,  
B5/E, Maker Towers,  
2nd Floor, Cuffe Parade,  
Colaba-400005.

AND

Their Workmen,  
The General Secretary,  
Bank Karamchari Sena Mahasangh,  
Shiv Sena Bhawan,  
R. G. Gadkari Chowk,  
Shivaji Park,  
Mumbai-400028.

APPEARANCES :

For the Employer : Shri R. N. Shah, Advocate.

For the Workmen : Shri Jaiprakash Sawant,  
Advocate.

Mumbai, dated, 7th December, 2001

AWARD

The Government of India, Ministry of Labour, by its Order No. L-12011/57/97-IR (B-II), dated 18th September, 1998, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act have referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of the  
Syndicate Bank, Zonal Office, Mumbai for



non-regularising the services of the workmen (list of the workmen enclosed) as per the guidelines of the Approach paper, 1990 is justified? If not, to what relief the workmen are entitled?"

Name of the workmen

1. Sh. Promod K. Savant.
2. Sh. Harichandra Babu Arekar.
3. Sh. D. S. Ramane.
4. Sh. Jagdish Temkar.
5. Sh. Pundalik N. Shinde.
6. Sh. Sanjay Pednekar.
7. Sh. Chandrakant Mohite.
8. Sh. Vithoba Govind Bhor.
9. Sh. Bhujendranath J. Ludbe.

2. The nine attendants as above mentioned in the list enclosed with the schedule, were appointed in the sub-staff cadre, of the Syndicate Bank. It is contended by the union vide Statement of Claim (Exhibit-5) that those attendants were sponsored by the Employment Exchange, Mumbai and that they were appointed in the permanent post, from the year 1986. It is contended that attendants were appointed against the permanent vacancy and were attending the work of permanent nature. They are in continuous employment; however, they are not made permanent right from the dates of their appointment i.e. the year 1986, or even after the completion of probation period of six months, entitling them to receive the privileges of permanent employees, which according to the union, amounts to unfair labour practice on the part of the bank. It is contended that, instead of making the attendants permanent the management in the year 1989 employed nine rank outsiders in permanent post of attendants ignoring the claim of the workmen under reference. It is contended that as per the guidelines of approach paper, 1990 the bank is under obligation to appoint attendants against permanent vacant posts, however the bank did not act as per the approach paper. The union therefore contended, to direct the bank to regularise the services of the workmen under reference giving the status of permanent workman from the date of their appointment i.e. 1986 with consequential benefits.

3. The Management Syndicate Bank, resisted the claim of the union by filing Written Statement (Exhibit-7) contending that the Mahasangh has no locus standi to represent the workmen, as it is not registered Trade Union under the Trade Unions Act, 1926. It is further the contention of the management that, as per the guidelines in the approach paper of 1990 the temporary employees engaged in the bank between 1982 to 1989 are to be considered for employment in the terms of the Government Circular and that candidates who worked for 240 days or more in a consecutive period of 12 months during the period between 1982 to 1989 and the candidates who worked for 90 days or more during that period, but, who were not empanelled above are to be absorbed in the panel list in permanent vacancies of attenders by giving preference to candidates empanelled referred to above and in pursuance of the bank circular of the year 1999,

the bank in the matter of absorption of temporary attendants entered into a settlement with the Syndicate Bank Employees Union. The panels were maintained districtwise. It is contended that as per the circular of the Reserve Bank of India and the Government the reservation of SC/ST candidates is to be maintained. It is contended that the number of permanent attendants is determined on the basis of BOD's number corresponding to the number of clerical staff in the Branch. It is contended bank is having surplus permanent attendants in its employment in Mumbai Zone. It is contended the attendants under reference were appointed purely as temporary attendants against the leave vacancies of permanent attendants and they were not appointed in permanent post. It is the contention of the management that surplus attendants were deputed in place of twelve clerical vacancies created due to promotion and that nine rank drivers were absorbed in the cadre of attendants. It is contended that the case of the workmen will be taken up according to relative seniority in panel to be prepared as per the policy guidelines, whenever vacancies arise. Consequently they prayed to dismiss the claim of the union.

4. By way of Rejoinder (Exhibit-8) it is contended that Mahasangh is a trade union, registered under the Act. The workmen were not appointed against leave vacancy, consequently reiterating recitals in the Statement of Claim, the union denied the contentions in the Written Statement.

5. During the pendency of the reference it is seen from the record workman named in the list D. S. Ramane died and his wife as legal representative has been brought on record vide purshis (Ex.-37). It is further seen that workman Vithoba Bhor was regularised vide order dated 28-2-2000 (Exhibit-35), therefore his claim does not survive.

6. My Learned Predecessor framed issues (Exhibit-10) Mr. Kotnis, General Secretary of the Mahasangh filed affidavit by way of Examination-in-Chief (Exhibit-18) and the affidavit of one of the workman Mr. Jagdish Temkar (Ex.-28) and closed evidence vide purshis (Ex.-29). Mr. Balakrishna Nayak, Dy. Chief Manager filed affidavit by way of Examination-in-Chief, on behalf of the management (Exhibit-30) and closed evidence vide purshis (Exhibit-31) workman filed written submissions (Exhibit-39) with copies of rulings Exhibit-41 and that management filed written submissions (Exhibit-40).

7. On perusing the record as a whole, hearing the counsels at length and the written submissions I record my findings on the following issues, for the reasons stated below :

Issues	Findings
1. Whether the Sangh can represent the concerned workmen?	Yes.
2. Whether the management of the Bank had regularised the services of the temporary attendants as per the scheme?	Workman Bhor has been regularised.

3. Whether the action of the management of Syndicate Bank for non-regularising the services of the workman as per the guidelines of the Approach paper 1990 is justified? Yes.

4. If not, to what relief the workmen are entitled to? As per order below.

#### REASONS

8. At the outset the Learned Counsel Mr. R. N. Shah for the management on the basis of the Written Statement contended that, the Bank Karmachari Sena Mahasangh, which espoused the cause, has no locus standi to represent the workmen under reference, as it is not registered under the Trade Unions Act, 1926. The Union's General Secretary, Mr. Kotnis filed a registration copy of the union with list (Exhibit-39). This clearly mentions the Mahasangh which espoused the cause has been duly registered under the relevant Act. In view of this, I find no substance in the contention of management that the Mahasangh has no locus standi to represent the workmen under reference. Consequently issue No. 1 is answered in the affirmative.

9. Admittedly workmen under reference were appointed as attendants. According to the Mahasangh those were appointed on interview since the year 1986 against the permanent vacancies and their work is of permanent nature. Management negated the same contending that, attendants were appointed in the leave vacancy and that they worked intermittently. Appointment letters issued by the management bank of the year 1986 show the attendants were appointed against the leave vacancy. Though clear cut names of the permanent employees not mentioned, it is in some letters seen from the appointment letters in the year 1993 they were appointed against the persons named therein. However, it is to be noted that appointment orders of the year 1998 filed with list (Exhibit-13) do not show the names against whom they were appointed. Infact, appointment orders of the attendants under reference show they were appointed on temporary basis. One of the attendants under reference Jagdish Temkar clearly admits in cross-examination, para 6 that they used to work intermittently. This statement if looked coupled with the documents show, the attendants were appointed initially against leave vacancy and later on, on temporary basis, as clearly seen from the documents filed with list (Exhibit-13).

10. The reference pertains to regularisation of service of attendants. According to the union as per the guidelines contended in the approach paper of 1990, service of the attendants need to be regularised. This approach paper of 1990 filed (Exhibit-19) speaks on absorption of temporary employees engaged by the bank. The temporary employees who worked for 240 days or more in a consecutive period of 12 months and those who worked for 90 days or more but less than 240 days in 12 consecutive months, are to be absorbed phase-wise. It further speaks that, temporary employees are to be classified in panel and the first panel candidate are to be given preference for absorption and later on employees of second category panel. One of the

workman Temkar admits in cross-examination, para 7 that in the light of the approach paper, panel was prepared and their names were included in the panel, and that as per the availability of the jobs the senior members of the panel were absorbed viz. Bane, Devre, Karkate etc. At this juncture, the Learned Counsel Mr. Shah submits inviting attention of this tribunal to the written submissions (Exhibit-10) that, pending reference attendant Mr. Vithba Bhor has been absorbed and since attendant Ramane expired remaining 7 attendants would be absorbed in a phase-wise manner on availability of vacancies as per seniority. If we go through the approach paper in the light of these submissions, and the fact that one of the attendants was absorbed as per seniority and that workman Temkar states that panel was prepared as per the approach paper and their names have been included, hardly can be said that the management bank is at fault in connection with regularising the services as per the guidelines of the approach paper.

11. The Learned Counsel, Mr. Sawant urged with force inviting attention of this tribunal to Exhibit-39 and the documents filed with list (Exhibit-11) that, the bank in the year 1989 made permanent 9 attendants from the category of drivers ignoring the seniority of the attendants under reference. Schedule of reference pertains to regularisation of service of attendants as per the guidelines of the approach paper, 1990, therefore point as regards 1989 as urged by Mr. Sawant, is beyond scope, consequently argument does not hold water.

12. It is seen from the record bank had regularised the services of one of the attendants under reference Mr. Bhor in the year 2000, and that bank conceded to regularise the services of the remaining attendants as per seniority. Since the management regularised the services according to the seniority in the panel list, as per the approach paper, and that, deceased Ramane had not reached the seniority question of giving effect of monetary benefits to his wife as L.R., does not arise. The bank is justified in not regularising the services of all the attendants under reference. At the most the bank management can be directed to regularise the services of the remaining attendants as per the approach paper, 1990 as and when vacancies arise. Consequently issue Nos. 2 & 3 are answered accordingly and hence the order:—

#### ORDER

(1) The action of the management of the Syndicate Bank, Zonal Office, Mumbai, for non-regularising the services of the workman as per the guidelines of the Approach Paper, 1990 is legal and justified.

(2) The bank is directed to regularise the services of the remaining 7 attendants viz. S/Sh. Pramod K. Sawant; Harichandra Babu Arekar; Jagdish Temkar; Pundalik N. Shinde; Sanjay Pednekar; Chandrakant Mohite; Bhujendranath J. Ludhe as per the guidelines of the Approach Paper, 1990, as and when vacancies arise.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 6 फरवरी, 2002

का. आ. 784—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबंध में निर्यात औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 32/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-2-2002 को प्राप्त हुआ था।

[सं. एल.-17012/43/96-आई. आर. (बी-II)]

सी. गंगधरण, अवर सचिव

New Delhi, the 6th February, 2002

S.O. 784.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 32/97) of the Central Govt. Industrial Tribunal and Labour Court, Jaipur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 4-2-2002.

[No. L-17012/43/96-IR(B-II)]

C. GANGADHARAN, Under Secy.

अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय,  
जयपुर

आदेश संख्या : एल-17012/43/96/आई. आर. (बी. II)  
29/8/97 एवं संशोधित आदेश दिनांक 24-3-2000

प्रकरण संख्या : सी. आई. टी/बी-32/97

गुलाब चन्द पुत्र श्री कालू लाल द्वारा नरेन्द्र कुमार तिवारी  
एडवोकेट, बंगाली कॉलोनी, छावनी कोटा।

—प्रार्थी।

बनाम

प्रबंधक, भारतीय जीवन बीमा निगम, मण्डलीय कार्यालय,  
राणाडे मार्ग, पो. बैग नं. 2, अजमेर।

—अप्रार्थी

उपस्थित :

प्रार्थी की ओर से	श्री विनोद तिवारी।
अप्रार्थी की ओर से	श्री तेजप्रकाश शर्मा।
पंचाट दिनांक	21-12-2001

पंचाट

केन्द्रीय सरकार के द्वारा निम्न विवाद औद्योगिक विवाद  
अधिनियम, 1947 (जिसे बाद में अधिनियम कहा गया)

है) की धारा 10 की उपधारा (1) के खण्ड 3 के प्रावधानों के अन्तर्गत उक्त आदेश तत्पश्चात् संशोधित आदेश के जरिए न्यायनिर्णय हेतु निर्दिष्ट किया गया :—

“Whether the claim of Sh. Gulab Chand s/o Sh. Kalu Lal, Ex-casual worker, LIC of India, Division Ajmer Branch, Kota that he has worked with the management from 9-5-1990 to 4-12-1995 on daily wage basis and was paid by the LIC through different names, is correct and whether the management of LIC Divisional Office, Ajmer is justified in terminating the services of the disputant w.e.f. 5-12-1995 is legal and justified? If not justified what relief is the disputant concerned entitled?”

प्रार्थी द्वारा स्टेटमेंट ऑफ क्लेम प्रस्तुत किया गया जिसमें उल्लेख किया गया कि प्रार्थी को भारतीय जीवन बीमा निगम (जिसे बाद में निगम कहा गया है) के कार्यालय राणाडे मार्ग, पोस्ट बग नं. 2 अजमेर में दिनांक 9-5-90 से निगम की झालावाड़ शाखा में दैनिक वेतन पर नियोजित किया गया। तत्पश्चात् दिनांक 25-5-92 से उसे निगम की शाखा, कोटा में भेज दिया। प्रार्थी के सेवाकाल में 240 दिन न हो जाएं इस कारण उसका नाम कई बार बदल दिया। निगम की कोटा शाखा में उसे टेक बहादुर, के.एल. कश्यप, मोहनलाल, महेन्द्र कुमार, राजेन्द्र कुमार, नरेश कुमार, दुलीचंद के नाम से वेतन का भुगतान दिया गया व उनके हस्ताक्षर करवाए गए जबकि उक्त नामों के किसी व्यक्ति ने नियोजक के यहां कार्य नहीं किया। अप्रार्थी ने दिनांक 5-12-95 से बिना कोई सूचना के सेवा से उसे पृथक कर दिया। उसने दिनांक 11-12-95 को एक प्रार्थना-पत्र रजिस्ट्री ए.डी. डाक द्वारा प्रेषित किया, जिसमें उसने कार्य पर लेने की प्रार्थना की। अप्रार्थी ने पत्र प्राप्ति के बाद भी पत्र का कोई उत्तर नहीं दिया व न उसे कार्य पर लिया। अधिनियम की धारा 25-एफ के प्रावधानों के अनुसार न तो 1 माह का नोटिस ही दिया व न नोटिस के एवज में 1 माह का वेतन व न छंटनी का मुआवजा दिया। सेवा से पृथक करने से पूर्व औद्योगिक विवाद (केन्द्रीय) नियम, 1957 (जिसे बाद में नियम, 1957 कहा गया है) के नियम-77 के प्रावधानों के अनुसार वरिष्ठता सूची का प्रकाशन नहीं किया। उसकी सेवा समाप्ति “प्रथम आए आखिर जाए” सिद्धान्त की अवहेलना करते हुए की गई। उसकी सेवा समाप्ति के पश्चात् अप्रार्थी के द्वारा नए श्रमिक सेवा में नियोजित किए गए परन्तु उसे नियोजन का अवसर नहीं दिया गया। इस प्रकार उसकी सेवा समाप्ति अधिनियम की धारा 25-एफ, जी, एल व नियम, 1957 के नियम-77 का उल्लंघन कर एवं अनुचित श्रम व्यवहार कर की गई है। प्रार्थना की गई कि उसे पिछले समस्त वेतन सहित समस्त लाभों के सेवा में बहाल किया जाए।

अप्रार्थी की ओर से जवाब में उल्लेख किया गया कि प्रार्थी को आंशिक कार्य के लिए एक निश्चित समयावधि के लिए रखा गया था। प्रार्थी को निर्धारित प्रक्रिया के तहत नियुक्ति नहीं दी गई। प्रार्थी ने निगम की झालावाड़ शाखा में वाटरमैन के पद पर दिनांक 9-5-90 से 1-8-90 तक व चौकीदार के पद पर दिनांक 26-12-90 से 3-2-91 तक एवं 7-2-91 से 18-3-91 तक अस्थायी रूप से कार्य किया। प्रार्थी ने किसी भी कलैण्डर वर्ष में 240 दिन कार्य नहीं किया। प्रार्थी ने क्लेम में दोनों ही शाखाओं को पक्षकार नहीं बनाया है इस कारण क्लेम खारिज किए जाने योग्य है। प्रार्थी ने अप्रार्थी संस्थान में आवश्यकतानुसार कार्य किया तथा कार्य की समाप्ति के साथ उसकी सेवा स्वतः समाप्त हो गई। प्रार्थी के साथ अन्य व्यक्तियों ने जिनमें टेक बहादुर, मोहनलाल आदि ने भी कार्य किया था। प्रार्थी के मामले में वरिष्ठता सूची जारी किए जाने के प्रादधान लागू नहीं होने व न अधिनियम की धारा 25-एफ, जो.एव के प्रावधान लागू होने हैं।

प्रकारों के अधिकृतों के आधार पर निम्न किन् विवाद बिन्दु बताए गए:—

- (1) क्या प्रार्थी ने दिनांक 9-5-90 से 4-12-95 के बीच विपक्षी संस्थान में निवृत्ति नामों में दैनिक वेतन भोगी कर्मदार के रूप में कार्य किया है ?
- (2) क्या विपक्षी की झोटावाड़ा शाखा व कोटा शाखा (द्वितीय) कोटा शाखा प्रकरण में आवश्यक पक्षकार है ?
- (3) विपक्षी के द्वारा औद्योगिक विवाद अधिनियम, 1947 की धारा 25 (एफ), 25(जी), एवं 25(एच) का उल्लंघन किया गया है ?
- (4) प्रार्थी किस सहायता को प्राप्त करने का अधिकारी है ?

प्रार्थी की ओर से क्लेम के समर्थन में स्वयं का शपथपत्र एवं दुलोचन्द के शपथपत्र प्रस्तुत किए गए जिन पर प्रतिपरीक्षा करने का अवसर अप्रार्थी के अधिवक्ता को दिया गया। प्रवेक्षक नाथ में प्रार्थी की ओर से प्रतिनिधि नियुक्ति पत्र प्रदर्श डब्ल्यू-1, प्रतिलिपि पत्र प्रदर्श डब्ल्यू-2, प्रतिलिपि प्रार्थना-पत्र प्रदर्श डब्ल्यू-3, प्रतिलिपि प्राप्ति रसीद प्रदर्श डब्ल्यू-4, प्रतिलिपि प्रमाण-पत्र प्रदर्श डब्ल्यू-5 से डब्ल्यू-9, प्रतिलिपि आवेदन प्रदर्श डब्ल्यू-9, प्रतिलिपि असफल वार्ता प्रतिवेदन प्रदर्श डब्ल्यू-10 प्रतिलिपि उपस्थिति रजिस्टर प्रदर्श डब्ल्यू-11, 12 प्रस्तुत किए गए। अप्रार्थी की ओर से शोभाराम मीणा, शाखा प्रबंधक कोटा का शपथपत्र प्रस्तुत किया गया जिस पर प्रतिपरीक्षा करने का अवसर प्रार्थी के विद्वान प्रतिनिधि को दिया गया। अधिकरण के निर्देश पर अप्रार्थी के द्वारा उपस्थिति रजिस्टर की प्रतिलिपि तथा अन्य प्रवेक्षक प्रस्तुत किए गए।

प्रार्थी के विद्वान प्रतिनिधि व अप्रार्थी के विद्वान अधिवक्ता के हार्क सुने गए। प्रार्थी के द्वारा लिखित में बहम प्रस्तुत की गई।

बनाए गए विवाद बिन्दुओं का विनिश्चय निम्न प्रकार किया जाता है:—

बिन्दु संख्या :—1 प्रार्थी का कथन है कि उसे दिनांक 9-5-90 से निगम की झालावाड़ शाखा में दैनिक वेतन पर नियोजित किया गया था व उसके बाद विपक्षी के पत्र दिनांक 24-9-90 के द्वारा उसे स्थाई नियुक्ति देने से पूर्व उसे साक्षात्कार के लिए बुलाया गया था। नियुक्ति पत्र की प्रतिलिपि प्रदर्श डब्ल्यू-1 व साक्षात्कार पत्र की प्रतिलिपि प्रदर्श डब्ल्यू 2 हैं। उसने विपक्षी के यहां 9-5-90 से 4-12-95 तक निरन्तर कार्य किया व 240 दिन में अधिक कार्य किया। 240 दिन की सेवा अवधि के अधिकारों में वंचित करने हेतु उसने सेवाकाल में नाम बदल दिए। कोटा शाखा में उसे टेक बहादुर, के.एल. कश्यप, मोहन लाल, महेन्द्र कुमार, राजेन्द्र कुमार, नरेश कुमार, दलीचंद के नाम से वेतन का भुगतान किया गया एवं उनके नाम से हस्ताक्षर कराए गए, ऐसा नहीं करने पर उसे सेवा से पृथक करने की धमकी दी जाती। उसके अतिरिक्त किसी भी व्यक्ति ने कार्य नहीं किया। कार्य करने के संबंध में उसे निगम के अधिकारियों द्वारा प्रमाण-पत्र प्रदर्श डब्ल्यू-5 से 8 दिए गए। दिनांक 5-12-95 से उसे अचानक सेवा से पृथक कर दिया। सेवा से हटाए जाने के पश्चात् उसने विपक्षी को रजिस्टर्ड पत्र के द्वारा कार्य पर लेने हेतु प्रार्थना पत्र प्रेषित किया जिसकी प्रतिलिपि प्रदर्श डब्ल्यू-3 व प्राप्ति रसीद की प्रतिलिपि प्रदर्श डब्ल्यू-4 है। उसने सेवा समाप्ति के पश्चात् सहायक श्रम आयुक्त, कोटा के समक्ष शिकायत प्रदर्श डब्ल्यू-9 प्रस्तुत की। असफल वार्ता होने पर विवाद न्यायनिर्णयन हेतु प्रेषित किया गया। प्रतिलिपि अचरित वार्ता प्रतिवेदन प्रदर्श डब्ल्यू-10 है। पत्र प्रदर्श डब्ल्यू-2 दिनांक 24-9-90 के द्वारा प्रार्थी को अस्थायी केयर टेकर/चौकीदार के पद के साक्षात्कार हेतु सूचित किया गया। प्रतिलिपि पत्र प्रदर्श डब्ल्यू-1 के द्वारा उसे निगम की शाखा, झालावाड़ में दिनांक 26-12-90 से 40 दिन की अवधि हेतु चौकीदार के पद पर नियुक्ति दी गई। प्रमाण पत्र प्रदर्श डब्ल्यू-5 के द्वारा निगम की शाखा झालावाड़ के शाखा प्रबंधक के द्वारा दिनांक 9-5-90 से चतुर्थ श्रेणी कर्मचारी के रूप में अस्थायी रूप से कार्यरत होने का उल्लेख किया गया है। यह प्रमाण पत्र कब जारी किया गया ऐसा प्रमाण पत्र में उल्लेख नहीं है। प्रमाण पत्र प्रदर्श डब्ल्यू-6 के द्वारा प्रमाणित किया गया है कि प्रार्थी ने निगम की झालावाड़ शाखा में दिनांक 26-12-90 से 3-2-91 व 7-2-91 से 18-3-91 तक कार्य किया। प्रमाण पत्र प्रदर्श डब्ल्यू-7 के द्वारा प्रमाणित किया गया है कि प्रार्थी ने दिनांक 2-5-94 से 25-7-94 की अवधि में 85 दिन अस्थायी वाटर मैन के पद पर दैनिक मजदूरी के आधार पर निगम की कोटा शाखा में कार्य किया। प्रमाण पत्र प्रदर्श

डब्ल्यू-8 के द्वारा प्रमाणित किया गया है कि प्रार्थी ने दिनांक 15-4-95 से 8-7-95 की अवधि में निगम की कोटा शाखा में वाटरमैन के पद पर दैनिक मजदूरी के आधार पर कार्य किया। दुलीचंद का कथन है कि उसने निगम की शाखा कोटा में कभी कार्य नहीं किया। उसका कथन है कि गुलाबचंद वहां कार्य करता था। निगम की शाखा कोटा के उपस्थिति रजिस्टर में अगस्त, 1994 एवं सितम्बर, 1994 व जुलाई व अगस्त, 1995 में उसकी उपस्थिति फर्जी दर्ज की गई है। रजिस्टर की प्रतिलिपि प्रदर्श डब्ल्यू-11, 12 है। सन् 1994-95 में वह अपने भाई गुलाबचंद के साथ रहता था। उसके भाई गुलाबचंद ने ही विपक्षी संस्थान में कार्य किया था। भुगतान का वेतन वाउचर अथवा भुगतान रजिस्टर विपक्षी संस्थान से तलब किया जाए। अप्रार्थी के साक्षी शोभाराम मीणा शाखा प्रबंधक कोटा का कथन है कि प्रार्थी को आकस्मिक कार्य की पूर्ति हेतु अप्रार्थी संस्थान में रखा गया था। उसने निगम की झालावाड़ शाखा में वाटरमैन के पद पर दिनांक 9-5-90 से 1-8-90 व चौकीदार के पद पर 26-12-90 से 3-2-91 तथा 7-2-91 से 18-3-91 तक अस्थायी रूप से कार्य किया। प्रार्थी ने किसी भी कलैण्डर वर्ष में 240 दिन कार्य नहीं किया। प्रार्थी को समय-समय पर आकस्मिक कार्य की पूर्ति हेतु निगम की झालावाड़/कोटा शाखा में रखा गया था। प्रार्थी के इस कथन को कि उसका नाम बदल कर उससे कार्य लिया गया को गलत बताया। उसने स्वीकार किया है कि प्रमाण पत्र प्रदर्श डब्ल्यू-5 से 8 के बारे में शाखा प्रबंधकों से कोई पूछताछ नहीं की गई।

प्रार्थी द्वारा विपक्षी संस्थान में कार्य करने के बारे में जो प्रमाण पत्र प्रस्तुत किए गए हैं उनका खंडन विपक्ष की ओर से नहीं किया गया। प्रमाण पत्र प्रदर्श डब्ल्यू-5 से लेकर प्रदर्श डब्ल्यू-8 एवं शोभाराम मीणा अप्रार्थी के साक्षी के कथन से प्रमाणित है कि प्रार्थी ने दिनांक 9-5-90 से 1-8-90 व 26-12-90 से 3-2-91 व 7-2-91 से 18-3-91 की झालावाड़ शाखा में चौकीदार के पद पर दिनांक 2-5-94 व 25-7-94 व 15-4-95 से 18-7-95 की अवधि में दैनिक मजदूरी के आधार पर वाटरमैन के पद पर कार्य किया। प्रार्थी का यह कथन कि उसने टेक बहादुर, के. एल. कश्यप, महेन्द्र कुमार, राजेन्द्र कुमार, नरेश कुमार, दुलीचंद के नाम से कार्य किया विश्वास किए जाने योग्य नहीं है। यद्यपि दुलीचंद का कथन है कि उसने विपक्षी संस्थान में कार्य नहीं किया व उसके भाई गुलाबचंद ने कार्य किया व उपस्थिति रजिस्टर प्रदर्श डब्ल्यू-11, 12 में उसकी उपस्थिति फर्जी दर्ज की गई है। प्रथम तो यह साक्षी प्रार्थी का भाई होने के कारण हित-बद्ध साक्षी है। उसका कथन है कि वह मेहता एजेंसी में कार्य करता था। यदि ऐसा था तो मेहता न्यूज एजेंसी के स्वामी को प्रार्थी की ओर से साक्ष्य में पेश किया जा सकता था अथवा उक्त एजेंसी का प्रमाण पत्र इस बारे में प्रस्तुत किया जा सकता था। प्रार्थी का तो कथन है कि उसकी उपस्थिति ही कोटा कार्यालय में दर्ज नहीं की जाती थी। उसका यह कथन उसी की ओर से प्रस्तुत उपस्थिति रजिस्टर

से झूठा प्रमाणित होता है। उपस्थिति रजिस्टर प्रदर्श डब्ल्यू-11, 12 में उसकी उपस्थिति दर्ज है। प्रार्थी का यह कथन भी कि वह अकेला ही निगम की कोटा शाखा में कार्य करता था विश्वास किए जाने के योग्य नहीं है जबकि उसके साथ अन्य श्रमिकों की उपस्थिति भी वतौर वाटरमैन के कार्य करने के बावत उपस्थिति रजिस्टर प्रदर्श डब्ल्यू-11, 12 में दर्ज है। प्रार्थी का यह कथन कि उसने दिनांक 5-4-95 तक निगम की कोटा शाखा में निरन्तर कार्य किया विश्वास किए जाने योग्य नहीं है। जबकि अप्रार्थी के द्वारा प्रस्तुत उपस्थिति रजिस्टर में जुलाई, 1995 के बाद उसकी उपस्थिति दर्ज नहीं है। यह उल्लेख करना उचित होगा कि प्रार्थी के द्वारा साक्ष्य प्रस्तुत करने से पूर्व ऐसा कोई आवेदन प्रस्तुत नहीं किया गया है कि विपक्षी से प्रार्थी को भुगतान किए गए मजदूरी के बाबत वाउचर प्रस्तुत कराया जाए। यदि प्रार्थी चाहता तो ऐसा आवेदन प्रस्तुत कर सकता था व यह प्रमाणित करा सकता था कि वाउचर पर विभिन्न नामों से हस्ताक्षर उसी के द्वारा किए गए हैं। उक्त परिस्थितियों में प्रार्थी के कथन पर विश्वास करना कठिन है कि उसने अन्य नामों से विपक्षी संस्थान में अप्रार्थी के दबाव के कारण से कार्य किया। उक्त विवेचन से यह प्रमाणित होता है कि प्रार्थी ने दिनांक 9-5-90 से 1-8-90 26-12-90 से 3-2-91, 7-2-91 से 18-3-91, 2-5-94 से 25-7-94 एवं 15-4-95 से 8-7-95 की अवधि में कार्य किया। उसके द्वारा दिनांक 9-5-90 से 4-12-95 तक विपक्षी संस्थान में निरन्तर कार्य किया जाना प्रमाणित नहीं है।

बिन्दु संख्या :—2 अप्रार्थी के विद्वान अधिवक्ता ने इस बिन्दु पर जोर नहीं दिया है। अतः इस बिन्दु का विनिश्चय अप्रार्थी के विरुद्ध किया जाता है।

बिन्दु संख्या :—3 प्रार्थी द्वारा यह प्रमाणित नहीं कि उसने सेवा समाप्ति के पूर्व के 1 वर्ष की अवधि में 240 दिन कार्य किया, अतः अधिनियम की धारा 25-एफ के प्रावधान आकृष्ट नहीं होते। प्रार्थी की ऐसी भी साक्ष्य नहीं है कि उससे कितनी कनिष्ठ श्रमिक को कार्यरत रहते हुए उसकी सेवा समाप्ति की गई बल्कि उसका कथन तो यह है कि वह अकेला ही निगम की शाखा कोटा में कार्य करता था। ऐसी दशा में अधिनियम की धारा 25-जी के प्रावधान भी आकृष्ट नहीं होते। अप्रार्थी की ओर से प्रार्थी का एक आवेदन दिनांक 12-4-95 प्रस्तुत किया गया है, जिसमें उसने उल्लेख किया है कि निगम की कोटा शाखा कार्यालय में 85 दिन के लिए वाटर बाय का पद रिक्त है, अतः उसे अस्थायी वाटर बाय के पद पर नियुक्ति दी जाए। प्रार्थी को आदेश दिनांक 15-4-95 निगम की शाखा कोटा के शाखा प्रबंधक के द्वारा आदेश दिनांक 15-4-95 के द्वारा 85 दिन हेतु अस्थायी तौर पर गर्मी के मौसम हेतु वाटरमैन के पद पर नियुक्त किए जाने का आदेश दिया गया है जिसमें यह उल्लेख किया गया है कि उसे 32/- रुपये प्रतिदिन के हिसाब से कार्य दिवसों में

मजदूरी दी जाएगी। 85 दिन की अवधि दिनांक 8-7-95 को समाप्त हुई है। प्रमाणपत्र प्रदर्श डब्ल्यू—8 शाखा प्रबन्धक के द्वारा दिनांक 13-7-95 को जारी किया गया है यदि प्रार्थी दिनांक 8-7-95 के पश्चात् कार्यरत होता तो यह उल्लेख किया जाता कि प्रार्थी अब भी वाटरमैन के पद पर कार्यरत है। इस प्रकार प्रार्थी की नियुक्ति दिनांक 15-4-95 से 8-7-95 तक 85 दिन की अवधि हेतु की गई थी जो निश्चित अवधि के समाप्त होने पर स्वतः समाप्त हो गई। इस प्रकार प्रार्थी की समाप्ति दिनांक 5-12-95 को न होकर दिनांक 8-7-95 को हुई जो सेवा समाप्ति अधिनियम, की धारा 2 (ओओ) (बीबी) के प्रावधानों के अनुसार छंटनी के प्रावधानों के अन्तर्गत नहीं आती इस कारण भी अधिनियम की धारा 25-एफ, जी के प्रावधान भी आकृष्ट नहीं होते। चूंकि प्रार्थी की सेवा समाप्ति छंटनी के सहित नहीं आती इस कारण अधिनियम की धारा 25-एच व नियम 1957 के नियम 77 के प्रावधान भी आकृष्ट नहीं होते।

बिन्दु संख्या :—4 यह प्रमाणित नहीं है कि प्रार्थी ने विपक्षी संस्थान में दिनांक 9-5-90 से 4-12-95 तक निरन्तर कार्य किया व विपक्षी संस्थान के द्वारा उसे भिन्न नामों से भुगतान किया गया। प्रार्थी की सेवा समाप्ति दिनांक 5-12-95 को किया जाना प्रमाणित नहीं है, अतः इसके विधिक एवं उचित अथवा अवैध अथवा अनुचित होने का प्रश्न उत्पन्न नहीं होता। प्रार्थी कोई सहायता प्राप्त करने का अधिकारी नहीं है।

पंचाट की प्रतिलिपि केन्द्रीय सरकार को अधिनियम की धारा 17 की उपधारा (1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जाए।

ह./—अपठनीय

पीठासीन अधिकारी

नई दिल्ली, 6 फरवरी, 2002

का. आ. 785 —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलोर के पंचाट (सदर्भ संख्या 15/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-2-2002 को प्राप्त हुआ था।

[सं. एल.—12011/258/2000-आई. आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 6th February, 2002

S.O. 785.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15/2001) of the Central Government Industrial Tribunal-cum-Labour Court Bangalore as

shown in the annexure in the Industrial Dispute between the employers in relation to the management of Vijaya Bank and their workman, which was received by the Central Government on 4-2-2002.

[No. L-12011/258/2000-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT "SHRAM SADAN", III MAIN, III CROSS,  
II PHASE, TUMKUR ROAD, YESHWANTHPUR,  
BANGALORE

Dated : 25th January, 2002

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com., LLB,  
Presiding Officer.

CGIT-CUM-Labour Court, Bangalore.

C.R. No. 15/2001

I PARTY :

The Regional Secretary,  
Vijaya Bank Workers,  
Organisation,  
Puttur Region,  
Puttur-574201.  
Karnataka.

II PARTY :

The Regional Manager,  
Vijaya Bank,  
Regional Office,  
Puttur-574201  
Karnataka.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12011/258/2000/IR(B-II) dated 16th February, 2001 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Vijaya Bank, Regional Office, Puttur is justified in refusing payment of one half of the scale wages with proportionate annual increments to Shri V. Gopalakrishna Part Time Sweeper, Vijaya Bank, Vittal Branch from 27-5-1996? If not, what relief the said workman is entitled to?"

2. First party workman is working with the second party management. The management has refused payment of one and half of the scale wages with proportionate annual increment to the workman and therefore Industrial Dispute is raised.

3. It is seen from the records that since the beginning of this case first party has not appeared and has not filed any Claim Statement. Therefore,

I am of the opinion that the first party workman is not interested in going on this dispute.

4. No purpose will be served in adjourning the case when the first party himself is not attending court. Therefore, I pass the following Order :

### ORDER

The reference is rejected.

(Dictated to PA transcribe by her corrected and signed by me on 25th January, 2002).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 6 फरवरी, 2002

का. आ. 786.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बैंगलूर के पंचाट (संदर्भ संख्या 112/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-2-2002 को प्राप्त हुआ था।

[सं. एल.-12012/150/99-आई. आर. (बी.-II)]

सी. गंगधरण, अवर सचिव

New Delhi, the 6th February, 2002

S.O. 786.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 112/99) of the Central Govt. Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 4-2-2002.

[No. L-12012/150/99-IR(B-II)]  
C. GANGADHARAN, Under Secy.

### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, BANGALORE

“SHRAM SADAN”,

III MAIN, III CROSS, II PHASE, TUMKUR  
ROAD, YESHWANTHPUR, BANGALORE

Dated : 30th January, 2002

PRESENT :

Hon'ble Shri V. V. Kulkarni B. Com. LLB,  
Presiding Officer CGIT-Cum-Labour Court,  
BANGALORE

C. R. No. 112/99

### I PARTY :

The Secretary,  
Syndicate Bank Employees Union,  
Post Box, No. 743,  
Gr. Floor 10,  
Homji St. Fort,  
Mumbai-23.

### II PARTY :

The Dy. General Manager,  
Syndicate Bank,  
Zonal Office,  
Maker Towers,  
'E' Cuffe Parade,  
Colaba,  
Plot No. 85,  
Mumbai-400005.

### AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/150/99-IR(B-II) dated 29th September, 1999 for adjudication on the following schedule :—

### SCHEDULE

“Whether the action of the management of Syndicate Bank, Mumbai by terminating Shri K. Srinivas Pai from the services of the Bank is legal and justified? If not, then what relief the workman is entitled to?”

2. The first party was working with the management. His services were terminated by the management and therefore, Industrial Dispute is raised.

3. Notices were sent to the parties. It is seen from the records that the first party even after service of notices have not appeared before this Tribunal. Second Party appeared and file Vakalat. Through out the First party union and the workman are not present.

4. It appears that the first party Union and the workman are not interested in this dispute. Therefore following order is passed.

### ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 30th January, 2002).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 6 फरवरी, 2002

## AWARD

का. आ. 787.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट (संदर्भ संख्या 17/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-2-2002 को प्राप्त हुआ था।

[सं. एल.-12012/257/94-आई. आर. (बी-II)]

सी. गंगाधरण, अवसर सचिव

New Delhi, the 6th February, 2002

S.O. 787.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17/97) of the Central Govt. Industrial Tribunal-Cum-Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 4-2-2002.

[No. L-12012/257/94-IR(B-II)]

C. GANGADHARAN, Under Secy.

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, "SHRAM SADAN"  
III MAIN, III CROSS, II PHASE, TUMKUR  
ROAD, YESHWANTHPUR, BANGALORE

Dated : 21st January 2002

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com, LLB,  
Presiding Officer.

CGIT-CUM-LABOUR COURT, BANGALORE

C.R. No. 17/97

## I PARTY

Shri Siddarajachari,  
C/o Shivanna,  
Chinnangadi Main Road,  
Satanur Post,  
Kanakapur Taluk,  
Bangalore Dist.  
Advocate-S. B. Mukkannappa.

## II PARTY

The Deputy General Manager,  
Canara Bank,  
D.A. Cell,  
Circle Office,  
M.G. Road,  
Bangalore-1  
Advocate-P. S. Saukar.

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. 12012/257/94-IR (B-II) dated 12th January, 1995 for adjudication on the following schedule :

## SCHEDULE

"Whether the action of the management of Canara Bank, Bangalore in terminating the services of Shri Siddarajachari, Daily Wages Workman w.e.f. April 1993 and not empanelling him for permanent absorption in terms of the Approach Paper circulated by the Ministry of Finance in 1990 is justified? If not, to what relief is the said workman entitled?"

2. The first party was working with the Second Party. He was terminated without regularising him and therefore Industrial Dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the first party in brief is as follows :

5. It is the case of the first party that he was appointed by the second party w.e.f. 5-9-88 on daily wages. He worked for 19 days to the first instant. In 1989 he has worked on daily wages for 162 days and in the year 1990 he has worked on daily wages for 213 days and he has worked as coolie for a period of 35 days. He has been working continuously till he was removed from service w.e.f. April 1993.

6. In fact the management should have regularised the services of the first party but they have terminated the first party and the same is not correct. Mandatory provisions of Section 25B of the Industrial Dispute Act are not followed. First party for these reasons and for some other reasons has prayed to pass award in his favour.

7. The case of the Second party in brief is as follows :

8. It is true that the first party was taken on work w.e.f. 5-9-1998. He was doing Coolie work. He has not worked for more than 240 days continuously at any time and the question of termination and compliance of provisions of Section 25 does not arise at all.

9. It is further contended by the management that first party was engaged for a fixed term on temporary basis as a Coolie on daily wages, it would not create the relationship of Master and Servant between the parties. The daily wages are to work in the leave vacancies of the regular staff as well as whenever there is any temporary increase in the work load. The Claim of the first party workman is not correct.

10. The first party was never engaged as a daily wage nor he was empanelled as daily wage. As per the prescribed rules and procedure he was called for an interview during 1989 to consider for empanelment in the daily wages panel and age limit was fixed at



22 years. The first party workman had exceeded the prescribed age limit so he was not considered. Management for these reasons and for some other reasons has prayed to reject the reference.

11. It is seen from the records that on behalf of the management V. Muniyappa, Sr. Manager was examined. According to his evidence the workman has taken as Coolie on daily wages whenever the regular employee was on leave. He has not even a regular daily wages worker. He was only a Coolie.

12. It is his further evidence that in 1989 first party was called for interview but he could not be included on daily wager because age limit prescribed as 22 years has exceeded. Various documents are marked in his evidence and he has also stated the dates, on which the workman worked in each year.

13. Against this we have the evidence of WW1. According to his evidence he has deposed details of the dates on which he has worked. According to his evidence he has been working as Daily Wager since 5-9-1998.

14. I have heard the counsels appearing for the first party and second party. I have perused all the material. It is true that the first party was called for an interview. It is clear from Ex. W2. Ex. W3 is the letter given by the Senior Manager to the Divisional Manager, Canara Bank to the effect that Mr. Siddarajachari has been working there as Daily Wager since November, 1988 and the Senior Manager has recommended to include his name in the panel of the daily wagers of the said bank. In view of this Ex. W3 I am of the opinion that the evidence of MW1 that the workman has worked only as Coolie cannot be believed at all.

15. According to MW1 he says that workman was not engaged as Daily Wager but the letter Ex. W3 is contradictory to the evidence of MW1 and it is established with this Ex. W3 that the first party was taken as Daily Wager. The Managers whenever the first party workman has worked have recommended to include the name of the first party workman in the Daily Wagers List.

16. We are also having Ex. W7 which clearly shows the dates on which the workman has worked in the bank. We are having Ex. W8. This is a letter from the Manager, Canara Bank addressed to Senior Manager, Canara Bank Staff Section. According to Ex. W7 and Ex. W8, workman has worked as Daily Wager, and in addition to this according to Ex. W-8 he has worked for more than 35 days during the year 1990 as coolie and for more than 65 days as Coolie during 1991. He was also engaged as Coolie during the year 1992.

17. If we considered this, it is clear that the workman has worked for more than 240 days continuously before he was refused work. Management has not clearly established that the first party was called for interview because no document is filed in this regard and further the management has also not established that according to prescribed rules the age limit was 22 years and the first party has exceeded the age limit. All that has to be proved but the management has not proved anything properly.

18. One thing is clear from the documents of the bank itself that the first party started working with the bank from 5-9-88 and he has continuously worked as discussed earlier.

19. The learned counsel appearing for the management has vehemently argued that the workman has not worked continuously for more than 240 days in any year and he is not entitled for any regularization etc.

20. In support of this argument the management relied the following decisions :

- (1) 1999 (III) LLJ (Sup) 320(SC)
- (2) 1992(4)SCC 99
- (3) 1997 LLR 54(P&H)
- (4) AIR 1997 SC 3657
- (5) AIR 1977 SC 1267

21. I have read the above decisions carefully. Facts of the case are quite different from the facts of the above decisions. Considering the facts of the present case I am of the opinion that the management can include the name of first party workman and can regularize his services as Daily Wager if he fulfills the other required conditions.

22. It is seen from Ex. W1 that some other workmen were included in the Daily Wagers Panel. Taking all this into consideration I proceed to pass the following Order :

#### ORDER

The reference is partly allowed. The management is directed to include the name of the first party workman in Daily Wagers Panel if he fulfills the required conditions. Accordingly reference is disposed off.

(Dictated to PA transcribed by her corrected and signed by me on 21st January 2002).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 1 फरवरी, 2002

का.आ. 788 :— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं.-1), धनबाद के पंचाट (संदर्भ संख्या 217/94/246) को प्रकटित करती है, जो केन्द्रीय सरकार को 31-1-2002 को प्राप्त हुआ था।

[सं. एल.-20012/338/93-आई.आर. (सी-I)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 1st February, 2002

S.O. 788.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 217/94/246) of the Central Government Industrial Tribunal/Labour Court (No. I) Dhanbad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s

BCCL and their workman, which was received by the Central Government on 31-1-2002.

[No. L-20012/338/93-IR(C-I)]  
S. S. GUPTA, Under Secy.

# ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/S. 10(1)(d)(2A) of the  
Industrial Disputes Act, 1947.

Reference No. 217 of 1994

## PARTIES :

Employers in relation to the management of B.C.C.L.  
Headquarter, Koyla Bhawan.

## AND

Their Workmen.

## PRESENT :

Shri S. H. Kazmi,  
Presiding Officer.

## APPEARANCES :

For the Employers : Shri S. N. Sinha, Advocate.

For the Workmen : Shri D. Mukherjee, Advocate.

STATE : Jharkhand

INDUSTRY : Coal

Dated, the 23rd January, 2002

## AWARD

By Order No. L-20012/338/93-IR.(Coal-I) dated 25-8-1994 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of B.C.C.L. Headquarter, Koyla Bhawan, P.O. Koyla Nagar, Dhanbad in denying the placement of S/Shri Sibi Nonia and Raman Nonia in Cat. IV and service linked upgradation in Cat. V is justified? If not, to what relief the workmen are entitled?"

2. Precisely, the case of the concerned workmen is that both the concerned workmen, named, Sibi Nonia and Raman Nonia were working as Cat. IV workmen from the year 1977 and later they were transferred to Bhuli Township in the year 1989 and were placed in Cat. II by an Office Order issued by the Personnel Directorate of B.C.C. Ltd. Headquarter, Koyla Bhawan, communicated through a letter issued by the Personnel Manager, Kusunda Area. It was stipulated in the said letter that they will be placed in the initial basic of Cat. II scale of wages without protection of wages. It has been said that this reversion or demotion was ordered illegally without serving any notice under Section 9A of the Industrial Disputes Act, 1947. Industrial dispute was raised thereafter before the A.L.C.(C), Dhanbad against the said action of the management and during the conciliation proceeding the management placed the concerned workman in Cat. V scale of wages including upgradation under S.L.U., but sometime thereafter the said office order was withdrawn by the management and a fresh office order was issued to place the concerned workman in Cat. III including S.L.U. The pending conciliation proceeding, however, failed subsequent to which the dispute was referred to this Tribunal for adjudication. It has also been said that the action of the management in denying placement of the concerned workmen in Cat. IV and service linked upgradation in Cat. V and reverting to Cat. III with S.L.U., is not justified.

3. The management, on the other hand, has come out with the case as disclosed in its written statement that both

as disclosed in its written statement that both the concerned workmen were working at Kusunda Colliery as Crusher Attendant and Carboniser Attendant respectively in Cat. IV. As they were declared surplus at Kusunda Area they were transferred to Katras Project Area where there was requirement of Cat. IV workers. At that time, it has been said, the concerned workmen represented the management that their wives were working in the collieries of Kusunda Area and are residing at Bhuli Township and as such they should be transferred to Bhuli Township even on lower post and lower category and it would be acceptable to them in their own interest and the interest of their families and the same is economical also as it will help them in avoiding them to keep two separate establishments. It is said, that their request was given due consideration and it was decided that they might be posted at Bhuli as Pump Operator at the initial of the basic pay, subject to the condition that they accept Cat. II at the initial of the scale as Pump Operator, on their posting at Bhuli. As they were agreeable, it is said, the original transfer order dated 20-4-89 through which they were transferred to Katras Project Area was partially modified vide office order dated 4-7-89, having clear cut stipulation that they will be paid initial basic pay of Pump Operator and they will not claim pay protection. Accepting the amendment order, it is said, the concerned employees took release from Kusunda Area and reported for further assignment of duty as Pump Operator at Bhuli Township in Cat. II. Further the case is that as far as upgradation of the concerned employees from Cat. IV to Cat. V is concerned the order was issued due to wrong information furnished to the sanctioning authority and subsequently on getting the correct information that these employees are not in Cat. IV but in Cat. II the order was rectified vide letter dated 26-2-92 allowing them upgradation from Cat. II to Cat. III. As such, it has further been said, there was nothing wrong in action taken by the management.

In parawise comments made to the written statement also apart from denying the stand taken by the workmen, it has been said, that there was no question of giving any notice under Section 9A of the Industrial Disputes Act, 1947 to the concerned workmen as the transfer was made in the year 1989 on their own request and upon the acceptance of the conditions by them.

4. It is, thus, obvious from the stands taken by the respective sides that the main controversy involved is, whether, in the circumstances of the present case, at all a notice under Section 9A of the Industrial Disputes Act, 1947 was required to be issued or served upon the concerned workmen prior to their transfer effected in the year 1989 whereby they were put in Cat. II instead of placing them in Cat. IV. Although another grievance which has also been raised by the concerned workmen is that in the years 1991-92 the concerned workmen were rightly placed to Cat. V and so the order made to that effect ought to have not been rectified or modified subsequently by the management.

5. In course of arguments also it was vehemently urged on behalf of the concerned workmen that the action of the management amounted to demotion of the concerned workmen from Cat. IV to Cat. II without issuing any chargesheet or conducting any enquiry and further the reduction of the category was made without following the mandatory provision of Section 9A of the Industrial Disputes Act, 1947. It has also been argued that at no point of time the concerned workmen ever came out with the request to transfer them back to Bhuli Township keeping in view their inconvenience and they consented for being placed them even in lower category i.e. Cat. II in the initial pay scale of Pump Operator. According to the submissions the concerned workmen had protested and had filed representations also before the management against its aforesaid action.

From the side of the management, on the other hand, the submission has been made that there was not at all necessity of serving notice under Section 9A of the Industrial Disputes Act as the concerned workmen themselves requested for the said arrangement and agreed to be placed in lower category in view of their personal difficulties and inconvenience and they not only agreed rather on the conditions laid down by the management they joined the said post at Bhuli also and worked continuously there as Cat. II employees still the raising of the dispute in the year 1992.

6. In support of their respective stands it appears that two witnesses were examined on behalf of the management and

one witness was examined on behalf of the concerned workmen. Besides the oral testimony Exts. M-1 to M-2/1 are the documents filed and exhibited from the side of the management which are office orders of different dates. No any document has been filed on behalf of the concerned workmen.

7. Although no any document has been filed on behalf of the management to show that the concerned workmen had made request and agreed to be transferred to Bhuli on the conditions that they would be placed in Cat. II and would be getting the initial pay scale of that category without any claim for pay protection, but it appears that both the witnesses of the management who happen to be the officers of the management have consistently supported the aforesaid stand taken by the management. MW-1, R. R. Rai seems to have stated that he was posted at Recruitment Section at Koyla Bhawan from 1984 to 1994 and he was dealing with the matter regarding transfer of workmen from one place to another. He has said that in the year 1989 the concerned workman was transferred from Kusunda Area to Katras Project Area but they did not join their new place of posting and filed petition showing some family problem and had requested for transfer to Kusunda Area. He has also said that upon management's plea that there was no requirement in Cat. IV in Kusunda Area and there was surplus work force in the said colliery, the concerned workmen represented for placing them in lower category nearby area and only thereafter the order dated 3-7-89 was issued under his signature. He has proved the said order which has been marked Ext. M-1. He has also said that on issuance of this order the concerned workmen joined their new place of posting and no objection was ever raised by them prior to raising the dispute before the A.L.C.(C) in August, 1992. He has proved two office orders marked Ext. M-2 and M-2/1 also and has said that earlier an incorrect order (Ext. M-2) was issued which was subsequently modified by subsequent order (Ext. M-2/1). Likewise MW-2 T. P. Jha, yet another officer of the management has said in his evidence that both the concerned workmen were transferred from Kusunda to Katras area but instead of joining there, they filed representations for transfer to Bhuli Township as their wives were working in Bhuli. According to him, they even offered to go to Bhuli in lower category and so accordingly they were transferred to Bhuli Township. Further he has said that upon issuance of transfer order (Ext. M-1) the concerned workmen did not file any protest petition against their transfer in lower category. He has also said that both the workmen were upgraded later on, but subsequently a revocation order was issued vide Ext. M-2/1 which, according to him, bears his signature.

On the other hand, the only witness examined on behalf of the workmen who happens to be one of the concerned workmen has denied the statement made on behalf of the management by saying that he and another concerned workman had not made any representation to the management that their families reside at Bhuli, therefore they should be transferred to Bhuli reducing their category. He has also said that the management has not served any notice under Section 9A of the Industrial Disputes Act before reducing their rank from Category-IV. Further according to him, the management has rightly promoted them from Cat. IV to Cat. V. But the action of the management in reducing their rank to Cat. II is unjustified. In course of his cross-examination he has said that he had not accepted Cat. II, rather he had filed representation to the management. At one place he also seems to have said that he and other workman are working at Bhuli and are getting wages of Cat. II at Bhuli till today (till date of his deposition i.e. 14-10-99).

Considering the oral testimony of the witnesses produced from either side there does not seem any justifiable reason as to why the reliance should not be placed upon the statements of those two witnesses of the management who are not only the two high officials of the management, rather they were also very much in the helm of affairs during the period when transfer and posting of the concerned workmen were made vide office order passed in that regard. As noticed above, they both have consistently stated about the request made by the concerned workmen for their transfer to Bhuli even on lower category keeping in view their inconvenience and about their consent for drawing initial pay scale of Pump Operator and for not claiming pay protection. They also seem to have categorically clarified that as the office order (Ext. M-1) was wrongly passed placing the workmen in Cat. V the same was subsequently rectified by another office order (Ext. M-2/1).

8. Out of the documents filed on behalf of the management, as mentioned above, Ext. M-1 is modified office order by which the concerned workman were transferred to Bhuli. Having gone through the contents of the same it appears that it stands mentioned therein that the concerned workmen are being transferred to Bhuli Township instead of Katras Project Area to work as Pump Operator and thereafter it is mentioned that they will be paid the initial basic pay of Pump Operator and they should give an undertaking that they will not claim pay protection. Though the reason for modification has not been mentioned in the said order but from the contents of the said order particularly the mention as regards the payment of initial basic pay of Pump Operator and further the clear stipulation to the effect that the concerned workmen should give an undertaking that they will not claim for any pay protection, it can well be gathered that modification in the earlier order must have been made keeping in view the request, consent and acceptance of conditions by the concerned workmen, as has been suggested on behalf of the management. The aforesaid stipulation made in the said order certainly supports the stand taken by the management. Had this arrangement been not made with the consent and agreement of the concerned workmen they would have certainly raised the protest at that very time itself, if by way of the said order they were demoted to Cat. II and their category was reduced without their consent and that too without making any compliance of statutory requirements. But instead of that they joined their place of posting at Bhuli and went on working there in Cat. II till the time of even raising the industrial dispute i.e. for more than three years. This conduct on the part of the concerned workmen further indicates that earlier arrangement was made with their consent and upon their request and subsequently only when a wrong order was passed putting them in Cat. V instead of putting them in Cat. II which order was subsequently rectified, they raised the dispute and claimed for their placing in Cat. IV and service linked upgradation in Cat. V. It has been submitted on behalf of the concerned workmen that in the year 1989 itself they had made the protest and had filed representation, but nothing has been put forward in course of the present proceeding to substantiate the said stand taken. There is nothing to show that at any point of time till the year 1992 when the dispute was raised before the A.L.C.(C) any protest or objection was raised by the concerned workmen before any of the authorities of the management. Therefore, in view of such circumstances even in absence of any document filed on behalf of the management in that regard and despite the denial to that effect made by one of the concerned workmen in his evidence, it can well be taken or gathered that modified office order (Ext. M-1) as regards the transfer of the concerned workman to Bhuli was passed only upon taking into consideration the request made by the concerned workmen and upon consent and acceptance of the conditions for being placed in Cat. II without any claim for pay protection and they were put in Cat. II as during the relevant period, according to the management, Cat. IV post was not vacant or available at Bhuli. Thus, in nutshell on the basis of all the aforesaid it can safely be concluded that the consent of the concerned workmen was very much there and only upon their request and consent for being abide by the conditions specified in the earlier order passed, they were transferred to Bhuli as Pump Operator in Cat. II in the initial basic pay of that category.

9. It has been strenuously urged on behalf of the concerned workmen that assuming the stand taken by the management as regards the concerned employees to be true, even then the action of the management in reducing the category of the concerned workmen and putting them in reduced wages, is illegal and void ab initio for non compliance of Section 9A of the Industrial Disputes Act. It has been contended that in terms of Section 9A which is a mandatory provision no such notice is required only if the change is effected under any settlement or award and as in the instant case there is no question of any settlement or award, irrespective of consent, agreement or undertaking said to have been given by the concerned workmen, the compliance of Section 9A ought to have been made and as the same admittedly has not been complied with the entire action of the management becomes bad and illegal.

I have no hesitation in observing at the very outset that the aforesaid submission made on behalf of the concerned workman is devoid of any substance. No doubt, Section 9A of the Industrial Disputes Act is a mandatory provision which is necessarily required to be complied with prior to change of any service condition, but at the same time essence, spirit,

object and applicability of the said provision should also be clearly construed and kept in mind while putting forward any argument on the basis of the said provision. As it is quite apparent, the whole object of Section 9A is to prevent unilateral action on the part of the employer changing the condition of service to the prejudice of the workmen and as such, as per the settled principle, the requirement of notice to the workmen would arise only if they are likely to be effected prejudicially. It is thus clear that application of the provision of Section 9A is there only in those cases in which the workman concerned is likely to be effected and the change of service condition is to the prejudice of the workmen. This application is quite apparently not of general nature rather in the nature of cases as referred above. Therefore, such being the position under law, if the change in condition of service is being made upon the request and consent of the workmen then in that event they cannot be said to be the workmen prejudicially affected by such change and such change of condition of service cannot be said to have been made to the prejudice of the workmen. As such, no question arises of serving notice under Section 9A of the Industrial Disputes Act upon such workmen upon whose request and consent some order has been passed as regards the change in condition of service. In the instant case, as such, this argument is not available to the concerned workmen that prior to affect any change notice Under Section 9A of the Industrial Disputes Act ought to have been served upon them. This apart, they can also not take any help of any order putting them in a wrong category which was later rectified by another order passed in that regard putting the concerned workmen in proper category i.e. in Category-III, as admittedly pursuant to their transfer to Bhuli they went on continuously working as Category-II workmen and it is not their case that they were ever placed in Category-V and worked as such on the strength of wrong office order which stood rectified later on.

10. Thus, in view of considerations and discussions made above on the basis of materials on record it is finally concluded that the claim of the concerned workmen has no legs to stand and they are not entitled to the relief as prayed for.

11. Thus, the award is rendered as hereunder :

The action of the management of M/s. B.C.C.L. Head-quarter, Koyla Bhawan, Dhanbad, in denying the placement of the concerned workmen, Sibi Nonia and Raman Nonia in Category-IV and service linked upgradation in Category-V is justified and the concerned workmen, as such, are not entitled to any relief whatsoever.

However, there would be no order as to cost.

S. H. KAZMI, Presiding Officer

नई दिल्ली, 1 फरवरी, 2002

का.अ. 789.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सौ. आई. आई. एस. सी. ओ. के प्रबंधन के संघर्ष निरोधकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकार (सं.-I) धनबाद के पंचाट (संदर्भ संख्या 14/91/219) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-2002 को प्राप्त हुआ था।

[सं. एल-20012/59/90-आई.आर. (सी-I) ]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 1st February, 2002

S.O. 789.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 14/91/219) of the Central Government Industrial Tribunal/Labour Court (No. I) Dhanbad as shown in the Annexure in the Industrial Dispute between

the employers in relation to the management of M/s. IISCO and their workman, which was received by the Central Government on 31-1-2002.

[No. L-20012/59/90 -IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/S. 10(i) (d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 14 of 1991.

Parties : Employers in relation to the management of Noonodih Jitpur Colliery of M/s. IISOO Ltd.

AND

Their Workman

Present Shri S.H. Kazmi, Presiding Officer.

Appearances :

For the Employers : None.

For the Workman : None.

State : Jharkhand. Industry : Coal

Dated, the 21st January, 2002

AWARD

2. By order No. L-20012/59/90.IR. (Coal-I) dated, the 17th September, 1990 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (i) and sub-sec. (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Noonodih Jitpur Colliery of M/s. Indian Iron & Steel Co. Ltd. in refusing the request for a job by Smt. Isha Khatoon, Dependent wife of late Shri Rustam Khan an ex-employee of the said colliery in terms of para 10-4-1 of the National Coal Wage Agreement-II is justified” If not, to what relief she is entitled.”

2. In the present reference case as the notification of the Central Government by which the present dispute has been referred to this Tribunal for adjudication has already been quashed or set aside by the Hon'ble High Court vide Order dated 17-1-1998 passed in C.W.J.C. No. 1086/91(R) nothing is there to be done in the present reference but to pass a 'no dispute' award and as such it stands disposed of in terms of the aforesaid order of the Hon'ble

## AWARD

High Court.

2. In such circumstances I render a 'No dispute' award in the present reference case.

S.H. KAZMI, Presiding Officer

नई दिल्ली, 5 फरवरी, 2002

का.आ. 790.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 2, धनबाद के पंचाट (संदर्भ संख्या 2/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-1-200 को प्राप्त हुआ था।

[सं. एल-20012/83/92-आई.आर. (सी-1)]

एस.एस. गुप्ता, अवसर सचिव

New Delhi, the 5th February, 2002

S.O. 790.—In pursuance of Section 17 of the Industrial Dispute Act., 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/93) of the Central Government Industrial Tribunal II, Dhanbad as shown in the Annexure in in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 1-2-2002.

[No. L-20012/83/92-IR(C-I)]

S.S. GUPTA, Under Secy.

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT

Shri B. Biswas

Presiding Officer,

In the matter of an Industrial Dispute under Section 10(i) (d) of the I.D. Act., 1947.

Referenc No. 2 of 1993

PARTIES : Employers in relation to the management Bhowra Coke plant of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workman : None.

On behalf of the employers : Shri H. Nath, Advocate,

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 23rd January, 2002

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (83)/92 I.R. (Coal-I) dated the 23rd February, 1993.

## SCHEDULE

“Whether the action of the management of Bhowra Coka Plant under Bhowra Area of BCCL in not regularising and placing S/Shri S.N. Bauri and Mathura Belder presently designated as Haulage Operator in Cat. IV and Gasman in Cat. V as Chargman in Gr. ‘C’ is justified ? If not, to what relief the workman are entitled ?

2. The concerned workman according to their W.S. in brief is as follows :

The concerned workman in their W.S. submitted that they were working as permanent workman at Bhowra Coks Plant as Haulage Driver and Gasman. They submitted that as per circular issued by the management they appeared in an interview for the vacant post of Chargeman in Technical and Supervisory Grade-C on 17-2-83. They submitted that as per interview they were selected as chargeman in Technical and supervisory Grade-C and the same was communicated by the order dt. 3-3-1983 and accordingly in pursuance of the said order of the superior authority the concerned workman started performing the job of Technical and Supervisory Gr. C. But curiously enough the management only paid the concerned workman wages of Cat. IV to S.N. Bauri and Cat-V to Mathura Beldar in violation of the aforesaid order of promotion. They submitted that original designation of S.N. Bauri was Haulage Driver and that of Mathura Belder was a Gas Man But inspite of giving promotion the management did not even change their designation. They alleged that the action of the management in not paying the wages of Technical and Supervisory Grade-C and changing the designation as per provision order dt. 3-3-83 was arbitrary and illegal and against the principles of natural justice. Accordingly they submitted their representation before the management for changing of their designation, wages as per order of promotion but that did not yield any result. Accordingly the concerned workman raised an industrial dispute before the ALC (C), Dhanbad demanding regularisation of their service in Grade-C as per aforesaid promotion order but that conciliation failed and ultimately the present reference was made.

3. The management on the contrary after filing W.S.-cum-joinder have denied all the claims and allegations which the concerned workman asserted in their W.S. The management submitted that the concerned workmen were permanent employees of Bhowra Coke Plant and they were working in the capacity of Haulage Operator and Gas Man in Cat. IV and V respectively. The management further submitted that when an industrial dispute was called by the union in relation to the claim of the concerned workmen they appeared and submitted before the ALC(C). Dhorwad that the two workmen in question were designated as Haulage Operator and Gasman in Cat. IV and V respectively and they were engaged by the then management as Charge-man before taking over the Coke Plant. The management further submitted that they had taken their case for consideration as Chargeman by way of D.P.C. according to the norms of Promotion but their case were not considered by the D.P.C. as they did not have requisite qualifications for promotion as Asst. Foreman/Chargeman. The management submitted that the then management of Bhowra Coke Plant though authorised the concerned workmen to work as Chargeman they were not even mentioned and had no other technical qualification. After the takeover of the said coke plant by the present management they never entrusted the concerned workman to work as Chargeman in T & S.G.R.C.L. They submitted categorically that as the concerned workman had no minimum qualification for promotion as per the cadre scheme of the company their case could not be considered. Accordingly the management submitted that the rejection of the request made by the concerned workmen for promotion to higher post was neither arbitrary, nor illegal as it was against the principle of natural justice. Accordingly the management has prayed for passage of Award rejecting the claim of the concerned workman.

4. The points for decision in this reference are :

"Whether the action of the management of Bhowra Coke Plant under Bhowra Area of BCCL in not regularising and placing S/Shri S. N. Bauri and Mathura Beldar presently designated as Haulage Operator in Cat. IV and Gasman in Cat. V as Chargeman in Gr. 'C' is justified? If not, to what relief the workmen are entitled?"

#### DECISION WITH REASONS

5. The management in order to substantiate their claim have examined two witnesses and out of the two witnesses one witness was not cross-examined by the concerned workmen. In course of the evidence of MW-1 the name of the concerned workmen i.e. Saryanandin Buari and Mathura Beldar appearing

in Sl. No. 15 and 136 in the Form B Register marked as Ext. W-1/1. I have considered the respective cols. wherein the names of these two concerned workmen were recorded. It transpires that the concerned workmen S. N. Bauri was designated as C.H. Lorry Driver and Mathura Bauri as Gasman while they entered into the service. It is the specific contention of the concerned workmen that as per circular issued by the management they appeared in the interview held by the management for the post of Chargeman in Technical and Supervisory Grade 'C' on 17-2-83. They submitted that after interview they were selected for the post of Chargeman in Technical and Supervisory Grade 'C' and the same was communicated to the concerned workmen by order dt. 3-3-83. The said order issued by the management accordingly should be considered with all importance but with utter surprise I noticed that the concerned workmen in course of hearing did not consider necessary to produce the same in support of their claim. The concerned workmen submitted that as per the said order they started performing the job of Technical and Supervisory Grade 'C' but curiously enough the management without paying wages in the said grade continued paying wages in Cat. IV to S. N. Bauri and Cat. V to Mathura Beldar without assigning any reason. The management on the contrary submitted categorically that as the concerned workmen had no requisite minimum qualification to get promotion as per the cadre scheme by the Company they were never entrusted to work as Chargeman. They submitted that the claim made by the concerned workmen are absolutely baseless. It is the specific claim of the management that minimum qualification is required for promotion in cadre scheme. Naturally onus absolutely lies on the concerned workmen to establish that inspite of having their minimum qualification they were not promoted to the post of Chargeman. It is seen from the record that the concerned workmen got ample opportunity to establish their claim. But they have failed to avail the opportunity of the same. According to the management minimum qualification is required as per the cadre scheme of the company. Therefore obviously on the part of the management it is not at all feasible to give promotion to any workman who does not have minimum requisite qualification. The management categorically submitted that due to want of requisite qualification the cases of the concerned workmen could not be considered at all for promotion and in support of this claim the management relied on the letter addressed to the ALC(C) marked as Ext. M-2. In the said letter Superintendent, Bhowra (BP & PH) Plant clearly pointed out that the concerned workmen designated as Haulage Operator and Gas Man in Cat. IV and V respectively were engaged by the then management as Chargeman before taking over

of the said Coke Plant. Inspite of sending the case of the concerned to the D.P.C. for consideration of their promotion to the post of Chargeman, the D.P.C. did not consider their case as the concerned workmen had no requisite qualification for promotion to the posts of Asstt. Foreman/Chargeman and for which their cases could not be considered in absence of requisite qualification. To counter the submission made by the Management in the letter marked as Ext. M-2 the concerned workmen have failed to produce a single scrap of paper. They also did not consider necessary to adduce evidence to rebut the claim of the management. As such after careful consideration of all the facts and circumstances I find no scope to ignore the submission made by the management under which circumstances the case of the concerned workmen could not be considered for promotion to the post of chargeman. I consider that the submission made by the management stands on cogent footing and there is no reason to believe that why the management passed any arbitrary and illegal order against the concerned workmen refusing their claim for promotion. Accordingly the concerned workmen are not entitled to get any relief which they have prayed for.

An Award is passed accordingly.

B. BISWAS, Presiding Officer

नई दिल्ली, 5 फरवरी, 2002

का.आ. 791.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I, धनबाद के पंचाट (संदर्भ संख्या 220/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-02-2002 को प्राप्त हुआ था।

[सं. एल-20012/155/94-आई.आर. (सी-I)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, 5 February, 2002

S.O. 791 in pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 20/94) of the Central Government Industrial Tribunal-I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 1-02-2002.

[No. L-20012/155/94-IR (C-1)]

S. S. GUPTA, Under Secy.

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1)(d)(2A)  
of the Industrial Disputes Act, 1947

Reference No. 220 of 1994

#### PARTIES :

Employers in relation to the management of  
Swang Washery of M/s. C.C. Ltd.

#### AND

Their Workmen.

#### PRESENT :

Shri S. H. Kazmi,  
Presiding Officer.

#### APPEARANCES :

For the Employers : Shri D. K. Verma, Advocate.  
For the Workmen : Shri R. K. Mishra,  
Concerned workman.

State : Jharkhand

Industry : Coal

Dated, the 22nd January, 2002

#### AWARD

By Order No. L-20012(155)/94-I.R. (Coal-I) dated 26-8-1994 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by Clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Swang Washery of M/s. C.C.L. P.O. Swang, Distt. Bokaro in dismissing Shri R. K. Mishra, Foreman Incharge w.e.f. 18-3-93 is justified? If not, to what relief the workman is entitled?”

2. Precisely, the case of the concerned workman is that the concerned workman was a permanent employee in Swang Washery of M/s. C.C. Ltd. situated within the premises of Swang Colliery. It is said that initially the said washery and the colliery was under the ownership, management and control of National Coal Development Corporation Ltd. and subsequently it was changed into Central Coalfields Ltd. w.e.f. 1-11-75 as a subsidiary to Coal India Ltd. Though the company's name was changed there was no change in the service condition of the employees. However, it has been said that the concerned workman was an active trade union leader and he was Branch Secretary of Swang Branch of Rashtriya Colliery Mazdoor Sangh and being a trade union leader he used to represent before the



management various grievances of the workmen of the washery for which the management was annoyed with him and wanted to terminate his service by any means. During the year 1992, it is said, that the concerned workman raised industrial dispute for regularising workers engaged in slurry handling at the washery and thus two such cases were referred by the Central Government for adjudication before Central Govt. Industrial Tribunal No. 1 at Dhanbad for which the management became very much annoyed with the concerned workman. It has also been said that as the management wanted to terminate the service of the concerned workman between 30-1-93 and 17-3-93 four charge sheets were issued against the concerned workman pursuant to which he submitted his explanation before the competent authority. Subsequent to that, it has been said, that the management neither intimated the workman about their reaction to the replies nor intimated the workman about any steps contemplated by the management. No enquiry was held in the charges as levelled and the management dismissed the concerned workman by letter dated 17-3-93 w.e.f. 18-3-93. Later the industrial dispute was raised before the Asstt. Labour Commissioner (Central), Hazaribagh before whom no conciliation could be arrived at and thereafter finally the dispute was referred to the Tribunal for adjudication. It has been said that the entire action of the management is arbitrary, illegal and is an act of unfair labour practice.

3. The management, on the other hand, has come out with the case, as disclosed in its written statement that the concerned workman was previously employed as Foreman Incharge in Swang Washery of C.C. Ltd. and he was governed by the Certified Standing Orders which are applicable to the establishments of National Coal Development Corporation Ltd. (Coal Mines). The name of the said National Coal Development Corporation Ltd. was changed to Central Coalfields Ltd. w.e.f. 1-11-1975 following the reorganisation of the Coal Industry in the Central Public Sector and the establishment of Coal India Ltd. Despite such change the workmen of Swang Washery continued to be governed by the aforesaid Certified Standing Orders. Further, it has been said that it came to the notice of the management that the workman concerned, R. K. Mishra, Foreman Incharge, was involved in a number of cases of serious misconduct which attracted the different provisions of S.O.17(i) of the aforesaid Certified Standing Orders. The first case of the acts of misconduct came to the notice of the management in January, 1993 pursuant to which he was issued with a chargesheet dated 28-1-93 and he was also simultaneously put under suspension pending enquiry. Thereafter, it is said, that it was further

brought to the notice of the management that the concerned workman committed further acts of misconduct in January, 1993 and February, 1993 and on receipt of such reports of commission of such alleged acts of misconduct by the workman concerned he was issued with four other chargesheets dated 31-1-1993, 12-2-1993, 17-2-1993 and one another chargesheet of the same date i.e. 17-2-1993. The concerned workman submitted his replies to all those chargesheets except the chargesheet dated 12-2-93. The management thereafter decided to hold an enquiry finding sufficient grounds for the same. Shri G. K. Choudhury, the then Dy. Personnel Manager (IR CO. & W), Central Coalfields Ltd. posted at the Head Office at Ranchi was appointed as Enquiry Officer, who held the detailed enquiry and in course of the enquiry despite having full knowledge about the same the concerned workman did not choose to appear and ultimately the said enquiry was held ex-parte. During the enquiry the evidence was led by the management both the oral as well as documentary and subsequent to that having found the materials against the concerned workman the enquiry report was submitted and on the basis of said enquiry report the concerned workman was dismissed from service. It has been said that each and every act of misconduct proved against the concerned workman is so serious that each one by itself would justify his dismissal and as revealed from the proceedings of the domestic enquiry the concerned workman was actuated by malafide and malicious intention against the management and he also operated with ulterior motive. He indulged in extremely serious acts of misconduct which were detrimental to the interests of the company and also against the public interest at large, as such, it has been said that the action taken by the management in dismissing the concerned workman is fully justified.

In parawise reply to the statements made in the written statement also it has been denied by the management that it was annoyed with the workman concerned because he was representing various grievances of the workmen of the washery and for that reason it wanted to terminate his service. It has also been averred that the concerned workman on the contrary, was mis-using his position as a union functionary and indulging in misconduct.

4. Before proceeding to make discussions over the materials on record so as to find out whether the action of the management requires any interference or not, it is pertinent to be mentioned at the outset that during the pendency of the present proceeding by order dated 6-2-2001 after hearing both the sides on preliminary issue/point, the domestic enquiry has already been held to be fair and proper



pursuant to which the case was fixed for hearing on merit under Sec. 11A of the Industrial Disputes Act, 1947.

5. As it is apparent from above and also in view of the documents relating to the enquiry proceedings (Ext. M-5) on the alleged charges of misconduct specified in the certified standing orders of the company, altogether five chargesheets were submitted against the concerned workman which are as hereunder :

- (i) SGW/PO/Disciplinary/93/497 dated 28-1-93
- (ii) SGW/PO/8/93/575 dated 31-1-93
- (iii) SGW/PO/Disciplinary/93/500 dated 12-2-93
- (iv) SGW/PO/8/93/894 dated 17-2-93
- (v) SGW/PO/8/93/895 dated 17-2-93

Though the concerned workman furnished his reply or explanation as far as the charges levelled in four chargesheets out of the above are concerned, it stands undenied that as against the aforesaid chargesheet dated 12-2-93 he did not file any reply. Earlier the specific and consistent stand of the concerned workman was that no enquiry at all was held and no intimation as regards any such enquiry was ever made to him but as those assertions have already been negatived while passing order holding the enquiry to be fair and proper and which order was never challenged in any superior forum available, the same are not required to be looked into and considered afresh, though even at this stage the concerned workman has sought to reagitate those matters as well. At this stage the only consideration which is required to be made is whether the order of dismissal suffers from perversity or not and whether the materials available on record were sufficient to warrant or justify the extreme punishment by way of dismissal.

6. It appears that out of the aforesaid chargesheets one was dated 28-1-93 which contains altogether five charges. Out of them the charge no. 1 was with respect to threatening, and abusing one of the authorities of the management on 14-1-93. The said authority, namely, K. K. Singh, the then Project Officer of the concerned washery seems to have been examined in course of the enquiry during which he appears to have given the details as to in what manner the concerned workman alongwith 200 outsiders allegedly reached to the gate of the concerned washery armed with various weapons and he started raising slogans and herling filthy abuses against him and also as to how they forcibly entered into the washery after over-powering the security personnels posted there. He has identified and proved two documents one is a report dated 14-1-93 submitted to him by the Security Officer and another was an F.I.R. dated 15-1-93 lodged to the local police by the Security

Officer. He also seems to have said about the concerned workman that he had always been a trouble monger and in the past also he had been proceeded with disciplinary proceeding for committing various misconducts.

The charge no. 2 was with respect to wilfully damaging the work in progress on 30-12-92 by creating nuisance within the premises of the concerned washery. It appears that for proving the said charge the management examined one C. K. Tiwary, Sr. E. E. (E & M). In his statement before the Enquiry Officer he has narrated about the occurrence and has stated as to in what manner the concerned workman alongwith 40 outsiders assembled near the gate of the washery armed with several weapons raised slogans, gave threatening to the regular employees and as a result of such situation the work progress in the concerned washery was badly affected/disrupted. One more witness who happened to be a worker working as Fitter Category-VI was examined who also corroborated the aforesaid happening on the alleged date and stated that the entire scene was charged with fear and coercion which affected the work of the concerned washery.

For the Charge No. 3, it appears that one witness was examined by the management who stated about irregular attendance of the workmen by the concerned workman and forcefully signing of the attendance register despite having remained absence from duty. He has stated that on 30-12-92 also although he marked his presence in the attendance register during 7 AM to 3 PM but during this period he arranged assembly of outsiders inside the concerned washery. In this regard he has referred to a report of the Security Officer.

As against Charge no 4 which relates to deliberate refusal to accept the official communication, yet another witness, named, C.S. Raju, U.D.C. working in the concerned washery was examined by the management. According to him, he used to maintain the attendance of the employees who were suspended, and further according to him, on 20-2-93 he was to hand over the letter of the management dated 19-2-93 to the concerned workman but when he wanted to do the same the concerned workman refused to accept and similarly the refused to take a letter dated 22-2-93 also on 24-2-93. He has proved the Peon Book (ME-4) in which mention as regards the refusal was made.

For Charge No. 5 which was with respect to create communal disturbances in the concerned washery by making propoganda against the Sr. Personnel Officer of the said washery and sending wrong information to the higher authority in that regard, it appears that for proving the said charge

two documents were produced from the side of the management, one was two pamphlets [ME-5(i) & (ii) respectively and the another was enquiry report in proof of the fact that the concerned officer was not at all involved in communal disturbances (ME-5(iii)).

It is thus obvious from the above that witnesses were examined and the documents were produced by the management to prove the aforesaid charges and it succeeded in bringing home those charges against the concerned workman. Having gone through the statements of those witnesses or the documents there does not appear to be anything on the basis of which the same can be viewed with suspicion or out of which any malafide or unjustified action on the part of the management can be gathered.

7. Out of the above, the second chargesheet dated 30-1-93 contains the two charges. The charge no. 1 was with respect to refusal and threatening given by the concerned workman to the Peon, named, Sitaram Rai who want to deliver the chargesheet/suspension letter dated 28-1-93. For proving this charge it appears that the management examined the said peon working in the concerned washery who supported the facts relating to the said happenings. He has proved the letter contained in the closed envelope, Peon Book and his report to the Project Officer which were marked ME-6(i), (ii) and (ii) respectively.

Likewise for charge no. 2 which related to forcible entry into the washery premises made by the concerned workman alongwith about 200 outsiders on 28-1-93 at about 6-30 p.m. and threatening the employees working in the plant and as a result of which the company suffered a heavy financial loss amounting to one lakh, two witnesses were examined on behalf of the management and both of them were officers of the concerned washery, the name of one is K.K. Singh and another was named S. P. Verma. According to both of them, they were on duty on the alleged date of occurrence and on that day the concerned workman alongwith several outsiders forcibly entered inside the washery carrying lethal weapons and shouting slogans and asking the operators on duty to stop their work else they will be physically prevented. They switched off the control switch resulting into stoppage of entire operation. According to him, they were also searching him out for assault. They further said that the concerned workman and others over-powered the workmen on duty and only when the Project Officer with local police came to the washery the mob dispersed and plant restarted. Particularly when there is nothing to rebut those statements, the statements of those responsible officers of the management can on

be taken to be true. Their statements do not seem to be of such nature which could reflect their vindictive or biased attitude.

8. Charge-sheet No. 3 dated 12-2-93 contains altogether five charges. It is reiterated as it has already mentioned above that as against this charge-sheet no reply was submitted by the concerned workman.

Out of those charges as contained in said charge-sheet, the charge nos. 1 and 2 are with respect to the occurrence which had taken place on 5-2-93 at about 10-30 AM. It has been alleged therein that the concerned workman alongwith ten outsiders unauthorisedly forcibly entered the office room of V. S. Prasad, Sr. Personnel Officer of the concerned washery and tried to forcibly snatch away official papers from his custody and when he failed to snatch the same he threatened him of dire consequences and asked the outsiders who were alongwith him to note down the name of the said officer in the 'hit list' with a view to intimidate him. During the course of proceeding it appears that though the said officer, V. S. Prasad could not appear for his statement due to his illness but his report submitted to the Project Officer on the alleged date of occurrence was filed and proved by the management's representative which was marked ME-7.

For proving charge no. 3 which was with respect to the incident in course of which the concerned workman alongwith 10 to 12 persons threatened C. K. Tiwary, Sr. E.E. (E & M), Sawang Washery with dire consequences at the gate of the washery workshop, it appears that the concerned officer, C. K. Tiwary himself was examined on behalf of the management in course of which he gave out the details as to in what manner he was being threatened by the concerned workman and others.

As far as charge nos. 4 and 5 are concerned those are with respect to the incident which had taken place on 8-2-93 and 9-2-93 respectively and it has been alleged that the concerned workman alongwith 150 to 200 persons moved around the concerned washery plant unauthorisedly exploding explosives with a view to create panic and to intimidate to the workman present and also having been armed with lethal weapons i.e. Lathi, Bhala, Bows and Arrows etc. entered the concerned washery premises on 9-2-93 unauthorisedly and forcibly and again moving around, exploding explosives with a view to intimidate and create panic. In support of this charges it appears that three witnesses were examined on behalf of the management who were the Security Sub-Inspector, chageman working in the concerned washery and another workman of the said washery who also happens to be lythe Secretary of Rashtriya Colliery Mazdoor Sangh

Sawang Washery branch, respectively. Ghuran Mian the said Security Sub-Inspector seems to have given the details about the occurrence which taken place on 8-2-93 at 1 PM at the concerned washery gate. He has stated about the bursting of crackers, bursting of explosives. He has stated about unauthorised entry of the concerned workman and others alongwith lethal weapons inside the Washery premises, bursting of the explosives by them and also about the panic created due to that reason inside the Washery. He has proved the FIR which was lodged with local police for the said incident and the same was marked ME-8. For the incident that took place on 9-2-93 also he has given the eye witness account and has stated the repetition of same type occurrence by the concerned workman and others inside the washery. The second witness is Nandlal Sah, Chargeman of the concerned washery. According to him, he was also on duty at the time of the incident and he had witnessed the entire happenings. He has also said that due to violent situation he had others were confined in their duty place, as the mob was violent and could have attacked them for one or other reasons. About himself he says that he is also an Executive Member of Sawang Branch of R.C.M.S. The third witness, namely Mukhdeo Pandey has also given the eye witness account of the occurrence that took place on 9-2-93 and while giving details he has stated that besides saving been armed with Garasa, Bhala, Arrows and Bows etc. the concerned workman and others had also explosives with them which they indiscriminately used for the purpose of terrorising the entire workers.

Considering the nature of their statements there does not appear to be any reason as to why they should not be believed and so it is evident that in an explicit show of high-handedness the concerned workman went to the extent of bursting explosives inside the washery premises alongwith others apart from having been armed with other lethal weapons with a view to terrorise the workers on duty and to create panic. These proved charges quite obviously are also of very serious nature which cannot go unnoticed.

9. The 4th Chargesheet dated 17-2-93 relates to an occurrence which almost is of similar nature as charge nos. 4 and 5 as contained in the earlier chargesheet in as much as this charge is also with respect to unauthorised entry inside the washery plant; exploding explosives, raising of slogan etc. having been armed with lethal weapons. As regards this occurrence which took place on 16-2-93 the aforesaid Guran Mian was examined who stated that his statements given in reference to charge nos. 4 and 5 of Chargesheet dated 12-2-93 holds good in respect of this charge also.

10. Now, the last chargesheet is yet another chargesheet which was submitted on the same day i.e. 17-2-93 and it is contained in the charges mentioned therein that on 17-2-93 at about 3-30 AM. the concerned workman alongwith 150 outsiders came inside the washery premises having been armed with Bhala, Gadasa, Lathi etc., over-powered the Security Personnel on duty, entered the plant and forced the employees on duty to leave the duty immediately and they were physically driven out of the plant. Thereafter, it is alleged, they took out the fuse from O.C.B. Control Room due to which entire production was stopped and subsequent to that the concerned workman and his associates went to the Weigh Bridge and after driving out the employees on duty they locked that room and took away the key alongwith them. They also alleged to have exploded explosives inside the washery plant. For proving these charges it appears that one Mahadeo Das, Data Entry Operator, was examined on behalf of the management. According to him, he was on duty at the time when the said occurrence took place. He has given the details as to in what manner the concerned workman and others extended the acts of vandalism inside the washery premises and the Weigh Bridge. He has also said that after the said incident he reported the matter to the Project Officer of the concerned washery on phone as also in writing. He has proved the said written information which is marked Ext. ME-10. Besides this witness, it appears that three other witnesses were also examined on behalf of the management for proving the aforesaid charges and they all happened to be Munshi, Head Security Guard and the Project Officer respectively of the concerned washery. The Munshi and Head Security Guard have claimed themselves to be eye witness to the said occurrence and have stated that they were on duty at that time. They have given the details as to in what manner the concerned workman and others created the havoc and panic inside the washery and weigh bridge and as to in what manner the entire functioning of the washery came to a grinding halt due to the said reason. Augustin Lakra a Munshi of the concerned washery has also claimed to have submitted the report before the Project Officer of the concerned washery in regard to the said occurrence. He has proved the said report which is marked ME-11. These witnesses with the help of the documents proved by them quite obviously have succeeded in establishing those charges as against the concerned workman and their statements cannot be discredited on any ground whatsoever.

11. Precisely in view of all the aforesaid, irresistible it can be found that the management succeeded in establishing those charges as against the concerned workman with the help of materials put forward on

its behalf which remained un rebutted because of non-production of any materials whatsoever on behalf of the concerned workman in course of the enquiry proceedings. Consequently the report submitted pursuant to holding of enquiry (Ext. M-6) and the order passed on the basis of that marked Ext.M-6/1 and M-7 do not suffer from any infirmity or illegality whatsoever.

12. Although certain documents filed on behalf of the concerned workman are those filed in connection with preliminary issue relating to the fairness of the enquiry, put even if those documents are to be considered at this stage also it appears that most of those documents, such as, Ext. W-1 letter to the A.L.C.(C), Hazaribagh by the concerned workman, Ext. 6,W-6/1, the two general appeals issued by the union, Ext. W-7a letter sent by the concerned workman to S.D.M., Bermo at Tenughat, Ext.W-10 a letter sent to the Project Officer by the concerned workman and Ext.W-13 a copy of the order of the District Magistrate (Law), Bokaro are for the purpose of showing that the concerned workman was an office bearer of Sawang Washery Branch of Rashtriya Colliery Mazdoor Sangh and in that capacity from time to time he had been raising grievances against the action of the management authorities or the management and also used to raise demands on behalf of the workers of the concerned washery and so it is for that reason the management became annoyed and was hell-bent to terminate the service of the concerned workman which it did ultimately. Assuming those documents to be genuine and authentic, in my view, it would be too much to conceive, specially considering the aforesaid materials brought by the management in course of the enquiry, that merely due to the reason that the concerned workman being an office bearer of the union used to raise grievances against the management, the management became annoyed and sacked him ultimately. Being an office bearer of the union or a trade union leader does not mean that the person concerned is immune from discipline and good conduct and can get away with gross instances of misconduct and indiscipline on his part merely by taking shelter under his position in a particular trade union. Rather, on the contrary, being a trade union leader he is required to set an example of good conduct and high standard of discipline and to raise grievances on behalf of the workmen in a proper and peaceful manner whereas in the instant case as it is seen above a number of charges were levelled against the concerned workman which were duly proved also by the management and which sufficiently show extremely serious and gross instances of misconduct which very well come within the misconduct as specified in Clause 17(i) of the Standing Orders of the company. In this context it is worthwhile to mention that out of the witnesses examined on behalf of the manage-

ment in course of the enquiry, two witnesses namely, Nandlal Sah and Mukhdeo Pandey have claimed themselves not only the workmen working in the concerned washery rather at the same time, according to them, they are Executive Member of Sawang Branch of Rashtriya Colliery Mazdoor Sangh, (the same union with which the concerned workman claims himself to be associated) and Asstt. Secretary of R.C.M.S. Sawang Branch respectively. Significantly in their statements made they have stated in so many words that such violent demonstration was being regularly arranged by R.K. Mishra, the concerned workman, who was Secretary of the R.C.M.S., Sawang Branch, without any resolution being passed by the Branch Executive Committee. Nandlal Sah also seems to have stated that the entire Committee was opposed to such activities of R.K. Mishra as none of the employees was supporting his activities and his so called demand of giving employment to the outsiders. Such statement made by these witnesses further go to show reputation which the concerned workman used to hold amongst the other office bearers of the same union and the employees engaged in the washery and as such it is further indicative of the manner in which the concerned workman used to conduct himself from time to time.

As far as the quantum of punishment awarded to the concerned workman is concerned, taking into account far reaching consequences and gravity of the aforesaid proved charges against him, the same also, in my view, does not require any interference.

13. Thus, in view of the discussions made above on the basis of materials on record it is finally concluded that the dismissal of the concerned workman by the management from his services cannot be held to be illegal or unjustified.

14. The award is thus rendered as hereunder :

The action of the management of Sawang Washery of M/s. C.C. Ltd., P.O. Sawang, Dist. Bokaro, in dismissing the concerned workman, R.K. Mishra, Foreman-Incharge, with effect from 18-3-1993 is justified and the concerned workman, as such, is not entitled to any relief whatsoever.

However, there would be no order as to costs.

S.H. KAZMI, Presiding Officer

नई दिल्ली, 5 फरवरी, 2002

का.आ. 792.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 2/1991) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-2-2002 को प्राप्त हुआ था।

[सं. एल-20012/285/90-आई.आर. (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 5th February, 2002

S.O. 792.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/1991) of the Central Government Industrial Tribunal II Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 1-2-2002.

[No. L-20012/285/90-IR(C-1)]

S.S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD PRESENT

Shri B. Biswas,

Presiding Officer,

In the matter of an Industrial Dispute under Section 10(1) (d) of I.D. Act., 1947.

REFERENCE NO. 2 OF 1991

PARTIES : Employers in relation to the  
Management of Kooridih  
Colliery of M/s. BCCL and their  
workman.

#### APPEARANCES:

On behalf of the workman : Shri O.P. Verma,  
Advocate

On behalf of the employers : None.

State : Jharkand Industry : Coal

Dated, Dhanbad, the 23rd January, 2002.

#### AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(285)/90-I.R. (Coal-I), dated, the 18th December, 1990.

#### SCHEDULE

"Whether the action of the Management of Kooridih Colliery in Govindpur Area No. III of M/s. BCCL in dismissing the workman Shri Kirtan Jaina No. 1 w.e.f. 1-11-89 is justified? If not, to what relief the said workman is entitled?"

2. The case of the concerned workman according to the W.S. in brief is as follows :—

The concerned workman in his W.S. submitted that he was appointed in the post of Miner/Loader by the management in pursuance of a Tripartite Settlement before the ALC(C), Dhanbad and accordingly he was posted at Kooridih Colliery. The concerned workman submitted that such appointment was subject to Police verification. He submitted that thereafter the management sent his credentials to S.P. Ganjam Orissa for the purpose of Police verification relating to the antecedents of the concerned workman and also for the identification. He alleged that the Police without making proper enquiry submitted a report and on the basis of that report the management issued a Charge sheet to the concerned workman under clause 17(i)(o) of the Model Standing Order with the allegation of impersonation. He submitted that though on receipt of the charge sheet

he submitted his explanation, the management without considering the same started a domestic enquiry against him and thereafter the said enquiry officer submitted report finding him guilty and on the basis of the enquiry report the disciplinary authority dismissed him from service with effect from 1-11-89. The concerned workman submitted that such order of dismissal was illegal and arbitrary and also against the principles of natural justice. Accordingly he has prayed for passing an Award directing the management to reinstate him in service with full back wages and other benefits.

3. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegation which the concerned workman asserted in his W.S. The management in the W.S. submitted that actual name of the concerned is Harkhit Jaina son of Khali Jaina of village Erendra, District Ganjam, Orissa. But concealing his name he assuming the name of Kirtan Jaina No. 1 son of Chaow Jaina of the same village entered into the service of the management in place of genuine workman named Kirtan Jaina son of Chaow Jaina. They submitted that as per the settlement dt. 13-11-85 between the management and the union namely R.C.M.S. it was decided that Kirtan Jaina No. 1 was to be given employment as Badli Miner/Loader and accordingly the concerned workman was given the appointment letter dt. 1/2-9-86 as he identified himself as Kirtan Jaina No. 1 son of Chaow Jaina. However, in the said letter of appointment it was stipulated that genuinity of the person concerned will be verified through Police Verification and in case it is found that he was not the real workman named Shri Kirtan Jaina No. 1 he should be removed from his employment. The management alleged that at the time of his entry in the service the concerned workman falsely declared in several documents that he was the real Kirtan Jaina No. 1 son of Chaow Jaina and accepting his declaration in good faith the management allowed him to join his duty as Miner loader and thereafter sent particulars for Police Verification. On Police Verification it was found that the concerned workman was not the real person and his name was actually Harkhit Jaina son of Khali Jaina and he managed to enter into the services in place of a real workman. Accordingly the management issued a charge-sheet dt. 22-7-88 charging him for commission of misconduct of fraud and dishonesty in connection with management's business and for committing the misconduct of giving false information at the time of his employment. The concerned workman submitted his reply denying the allegation levelled against him and asserted that he was the real Kirtan Jaina. Thereafter a domestic enquiry was started against him by the Enquiry Officer as per order of the management and in course of the enquiry the E.O. examined different witnesses including the defence witness. Thereafter on completing the enquiry the E.O. submitted his report finding the concerned workman guilty of the misconduct. As the allegation brought against the concerned workman was very serious in nature the disciplinary authority accepting the report

submitted by the E.O. dismissed him from service with effect from 26-10/1-11-89.

4. It is the specific allegation of the management that the concerned workman by way of impersonification got the service of one Kirtan Jaina knowing fully well that he was not Kirtan Jaina and thereby practiced fraud against the management. Accordingly the management submitted that the concerned workman is not entitled to get any relief, which he has prayed for.

5. The points for decision in this reference are ;

“Whether the action of the Management of Kooridih Colliery in Govindpur Area No. II of M/s. BCCL in dismissing the workman Shri Kirtan Jaina No. 1 w.e.f. 1-11-89 is justified ? If not, to what relief the said workman is entitled ?”

#### DECISION WITH REASONS

6. From the record it transpires that before taking up hearing on merit this Tribunal heard the instant reference case on preliminary point to assess if the domestic enquiry held against the concerned workman by the E.O. was fair, proper and in accordance with the principles of natural justice. By Order No. 63 dated 26-7-2001 that issue on preliminary point was decided and it was held by the Tribunal that the enquiry held by the E.O. was fair, proper and in accordance with the principles of natural justice. Naturally when this issue has already been decided at this stage there is no scope at all to discuss the same issue further. Here the point for consideration is whether the charge brought against the concerned workman by the management has been established or not and if so whether the order of dismissal passed against the concerned workman was legal valid and according to the principles of natural justice.

7. Considering the W.S. submitted by the concerned workman as well as the management I find no dispute to hold that as per Tripartite agreement the management decided to give employment to one Kirtan Jaina son of Chaow Jaina as Miner/Loader. It is also admitted fact that as per the said settlement the concerned workman got employment as Miner/Loader in view of the appointment letter issued by the management. The said appointment letter was issued in the name of Kirtan Jaina son of Chaow Jaina of Village Erendra District Ganjam, Orissa. The management submitted that he identified himself as Kirtan Jaina and also in support of his claim submitted different documents namely affidavits etc. certificate issued by the B.D.O. & Mukhiya. The management submitted that on good faith accepting those documents they issued the appointment letter subject to the condition that a

police verification should be made against the concerned workman in order to ascertain the genuinity of the person concerned and other credentials. The management submitted that thereafter they sent a verification roll to S.P. Ganjam, Orissa against the concerned workman. The management further submitted that on receipt of the Police verification report they came to know that the actual name of the concerned workman was Harkhit Jaina son of Khali Jaina of village Erendra, District Ganjam, Orissa. Accordingly on the basis of that Police report the management drew conclusion that the concerned workman by false impersonation got his appointment as Miner/Loader under the management and accordingly the management issued a charge-sheet against him. Against that charge-sheet the concerned workman submitted his reply and as the said reply was not satisfactory the management started domestic enquiry against the concerned workman. It has been further submitted that the concerned workman participated in the domestic enquiry and adduced evidence on his part. But as he failed to establish falsity of the report submitted by the S.P. Ganjam, Orissa the disciplinary authority accepting the report submitted by the E.O. dismissed him from service. It is the contention of the concerned workman that the management's decision to send the verification roll to the S.P. Ganjam for police verification was not proper and for which the same should not be accepted. But before claiming so the concerned workman before the E.O. has failed to produce any cogent document to show that he was the genuine person i.e. Kirtan Jaina No. 1 son of Chaow Jaina and not Harkhit Jaina son of Khali Jaina. During hearing on preliminary point the management examined MW-1 but the concerned workman in spite of getting opportunity did not cross-examine him. The concerned workman also did not consider necessary to examine himself as witness at the time of preliminary hearing in order to establish that he was genuine Kirtan Jaina son of Chaow Jaina. In course of hearing also the concerned workman did not consider necessary to produce any cogent paper to show that he was Kirtan Jaina and not Harkhit Jaina. The concerned workman has also failed to assign reasons why the management did not act properly in sending the verification roll to S.P. Ganjam, Orissa for his police verification particularly when in the appointment letter the management reserved the right of verification of the credibility of the concerned workman. I consider that the management had absolute right to verify any credentials of any workman by appropriate authority lest they are to face any hazard in future. As such I do not consider that the management has committed any illegality in sending the verification roll to S.P. Ganjam, Orissa for Police verification. No evidence is forthcoming before

this Tribunal on the part of the concerned workman that the police report which was submitted by the S.P. Ganjam was false. As such after careful consideration of all the facts and circumstances carefully I find sufficient reason to believe that the concerned workman by false personification got the appointment letter from the management and thereby committed serious misconduct. I hold that the charge which was framed against the concerned workman absolutely based on cogent ground. I further hold that the management did not commit any mistake in dismissing the concerned workman from his service on the ground of misconduct. Accordingly there is no scope to show that by dismissing the concerned workman, the management has committed any illegality. There is also no reason to believe that the decision of the management was arbitrary and against the principles of natural justice. In the result, the following Award is rendered :—

“The action of the Management of Kccridih Colliery in Govindpur Area No III of M/s. BCCL in dismissing the workman Shri Kirtan Jaina No. 1 w.e.f. 1-11-89 is justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 5 फरवरी, 2002

का.आ. 793:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 2, धनबाद के पंचाट (संदर्भ संख्या 20/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-1-2002 को प्राप्त हुआ था।

[सं. एल-20012/426/93-आई.आर. (सी-I)]

एस.एम. गुप्ता, अवसर सचिव

New Delhi, the 5th February, 2002

S.O. 793.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 20/1995) of the Central Government Industrial Tribunal 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 1-1-2002.

[No. L-20012/426/93-IR(C-I)]

S. S. GUPTA, Under Secy.

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

#### PRESENT :

Shri B. Biswas. Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 20 of 1995

#### PARTIES :

Employers in relation to the management  
of M/s. Bharat Coking Coal Ltd.

AND

Their Workman

#### APPEARANCES :

On behalf of the workmen.—None.

On behalf of the employers.—None.

STATE : Jharkhand. INDUSTRY : Coal.

Dated, Dhanbad. the 21st January, 2002

#### AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(426)93-I.R.(Coal-I), dated, the 8th February, 1995.

#### SCHEDULE

“Whether the action of the management of Block-II Area of M/s. Bharat Coking Coal Limited, P.O. Nawagarh (Dhanbad) in denying to pay all the legal dues of Shri Tapeswar Singh, Looseman/Signalman for the period from 17-7-1990 to 9-6-1991 is justified? If not, to what relief is the said workman entitled?”

2. The case of the concerned workman according to the W.S. in brief is as follows :

The concerned workman in his W.S. submitted that in the year 1987 while the management issued service excerpt to him he came to know that his date of birth therein was recorded as 15-7-30 wrongly and accordingly he requested the management by submitting application dt. 23-12-89 to correct his date of



birth. But the management did not pay any heed to his request. He further submitted that the management recorded his date of birth differently in different records. He submitted that when that gross discrepancy in relation to his date of birth recorded in different registers maintained by the management it was incumbent duty of the management to send him to the Apex Medical Board to get his age assessed accurately according to the procedures of medical jurisprudence and also in compliance of the provision of Implementation Instruction No. 76 of JBCCI. But knowing fully well of all the facts and circumstances the management illegally superannuated him with effect from 17-7-90 and withheld his pay till 9-6-91 legally and arbitrarily. He submitted that the management's refusal to issue pay order for the period from 17-7-90 to 9-6-91 on the principle of 'No work no pay' was totally devoid of any reason. Accordingly the concerned workman personally and also through union submitted representations before the management for issue of pay order to him for the period mentioned above. But as the management refused to issue any pay order for the said period he submitted application through the union before the ALC(C), Dhanbad for conciliation but as the said conciliation failed due to the adamant attitude of the management the present reference was made.

3. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegations which the concerned workman asserted in his W.S. The management submitted that at the time of getting entry in the service the concerned workman disclosed his date of birth as 15-7-1930 and accordingly it was recorded in the Form B Register. The concerned workman was thereafter superannuated from his service with effect from 17-7-90. They submitted that after the date of superannuation the concerned workman submitted his representation to the effect that due to certain mistake the date of birth in his Form B Register was wrongly recorded as 15-7-30 and accordingly he prayed for getting his age assessed by the Apex Medical Board. On the basis of that representation through the union the management considered his prayer and sent him to the Apex Medical Board for his medical examination and determination of his age. They submitted that the Apex Medical Board examined the concerned workman on 13-5-91 and

assessed his age as 58 years on that date. Accordingly as per report of the Apex Medical Board the concerned workman was allowed to resume his duty on 9-6-91 subject to the contention that he would not be allowed to get any wages for the period of his idleness as he did not raise any dispute during the period of his employment. The management submitted that the date of birth recorded in the Form B Register was according to the declaration of the concerned workman and he authenticated the document without making any challenge at the time of writing particulars against his name in the specified column. The management further submitted that as per certified Standing Order the date of birth recorded in the service sheet becomes conclusive and binding for deciding the date of superannuation. Although there was no scope for reviewing the date of birth recorded in the Form B Register of the company which is maintained U S 48 of the Mines Act, 1952 read with rules 77 of the Mines Rules, 1955, the case of the concerned workman was considered purely on sympathetic ground and he was given the employment on the basis of assessment of his age by the Apex Medical Board. It was the responsibility of the concerned workman to get his date of birth corrected at the earliest possible opportunity at the time of his appointment. Once the date of birth is recorded in the Form B Register the same becomes binding for deciding the time of superannuation. The case of the concerned workman, the management submitted was sympathetically considered after his superannuation and he was allowed to join his duty as per report of the Apex Medical Board but for that reason he is not entitled to draw any wages for the period from 17-7-90 to 17-6-91. Accordingly the management have prayed for passing an Award rejecting the claim of the concerned workman.

4. The points for consideration in this reference are :—

“Whether the action of the management of Block-II Area of M/s. Bharat Coking Coal Limited, P.O. Nawagarh Dhanbad in denying to pay all the legal dues of Shri Tapeshwar Singh, Looseman/Signalman for the period from 17-7-1990 to 9-6-1991 is justified? If not, to what relief is the said workman entitled?”



### DECISION WITH REASONS

5. Considering the W.S. of both sides I find no dispute to hold that the concerned workman was an employee under the management. I also find no dispute to hold that the concerned workman was superannuated from his service with effect from 17-7-90. I also find no dispute to hold that the concerned workman was allowed to resume his duty on 9-6-91 on the basis of medical report submitted by the Apex Medical Board. It is also admitted fact that the concerned workman was out of employment from 17-7-90 to 8-6-91. It is the claim of the concerned workman that his date of birth was wrongly recorded in the Form B Register as 15-7-30 and he came to know about wrong recording of his date of birth while service excerpt was handed over to him on 16-5-87. He further submitted that his date of birth in different registers maintained by the management varied and accordingly he submitted representation for correction of his date of birth. He also submitted representation through his union with a prayer to send him to the Apex Medical Board for determination of his age but the management without considering his prayer superannuated him with effect from 17-7-90 and thereafter allowed to join his duty on 9-6-91 and according the concerned workman submitted that he is entitled to draw wages for the period from 17-7-90 to 9-6-91. The concerned workman is silent in his W.S. under which circumstances the management allowed him to join his duty on 9-6-91 inspite of his superannuation with effect from 17-7-90. The management submitted that after the date of superannuation the concerned workman through his union submitted representation for determination of his age through the Apex Medical Board. The management further submitted that relying on that representation on sympathetic ground they send the concerned workman to the Apex Medical Board for determination of his age and the concerned workman was examined by the Medical Officer of the Apex Medical Board on 13-5-91. The management further submitted that the Apex Medical Board determined the age of the concerned workman as 58 years as on 13-5-91. The management disclosed that paying full respect to the decision of the Apex Medical Board they allowed the concerned workman to join his duty with effect from 9-6-91 subject to the condition that he would not be entitled to claim any wages for the period from 17-7-90 to 8-6-91. The

management submitted that the concerned workman at the earliest opportunity had the scope to submit representation for rectification of his age but he did not do so. They submitted further that the information entered in the respective columns of respective register was duly authenticated by the concerned workman but at that time the concerned workman did not raise any dispute relating to his date of birth. His case was considered purely on sympathetic ground even after the date of superannuation when he submitted his representation through the sponsoring union. Accordingly during the period when the concerned workman was not in service was not entitled to get wages of the same because of the fact that he had to remain idle for the said period due to his own fault and not due to the fault of the management. Now considering the submission of both sides according to the W.S. it is clear that the concerned workman remained idle without any wages from 17-7-90 to 9-6-91. Now it has to be looked into for whose fault the concerned workman remained idle during the said period. It is the contention of the concerned workman that immediately after receiving service excerpt in the year 1987 he submitted representation for rectification of his age but the management did not pay any heed to his request. On the contrary the management submitted that on compassionate ground the concerned workman was sent to the Apex Medical Board for determination of his age when he submitted representation through his sponsoring union after the date of his superannuation. Considering the submission of both sides I find reason to believe that responsibility rests on the concerned workman to establish that actually he submitted representation for correction of his age immediately after receiving his service excerpt from the management. From the record it transpires that ample opportunity was given to the concerned workman to adduce evidence and also to submit relevant papers in support of his claim. But the concerned workman inspite of his getting opportunity did not consider necessary to avail of the said opportunity. Untill and unless it is established by the concerned workman that due to the fault of the management he was superannuated prematurely there is no scope to fix up any responsibility against the management. There is no dispute to hold that the concerned workman remained idle for the period from 17-7-90 to 9-6-91 but it has to be looked into

who was actually guilty for the same. Specific submission of the management is that his case was sympathetically considered after the date of his superannuation and they allowed the concerned workman to join his duty on 9-6-91 as the age was determined by the Apex Medical Board as 58 years as on 9-6-91 i.e. on the date when he was examined by the Medical Board being sent by the management after his superannuation. The management submitted further that they allowed the concerned workman to join his duty subject to the condition that he would not be entitled to get any wages during the period of his idleness. It is fact that from 17-7-90 to 8-6-91 the concerned workman remained idle and did not give any service to the management. In natural course he is not entitled to get any wages for the said idle period if it is not established that his remaining idle for the said period was due to the fault of the management and not due to his own fault. The concerned workman had the ample scope to establish this allegation but he has lamentably failed to prove so. Accordingly after considering all the facts and circumstances I hold that the concern workman is not entitled to get any relief which he has prayed for.

An Award is passed accordingly.

**B. BISWAS, Presiding Officer**

नई दिल्ली, 5 फरवरी, 2002

का.आ. 794.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 5/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-2-2002 को प्राप्त हुआ था।

[सं. एल-20012/428/93-आई.आर. (सी-I)]  
एस.एस. गुप्ता, अवर सचिव

New Delhi, the 5th February, 2002

S.O. 794.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 5/1995) of the Central Government Industrial Tribunal II Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 1-2-2002.

[No. L-20012/428/93-IR(C-I)]  
S. S. GUPTA, Under Secy.

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD  
PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 5 of 1995

PARTIES :

Employers in relation to the management of Block 2 Area of M/s. BCCL's Benedih Colliery and their workman.

APPEARANCES :

On behalf of the workman : None.

On behalf of the employers : None.

State : Jharkhand

Industry : Coal.

Dated, Dhanbad, the 1st January, 2002

## AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/428/93-I.R. (Coal-I), dated, the 28th December, 1994.

## SCHEDULE

"Whether the action of the management of Block II Area of M/s. BCCL, P.O. Nawagarh, Dist. Dhanbad in refusing to accept the date of appointment of Shri K. K. Tewary, Sr. Overman, Benedih Colliery as October, 1954 is justified? If not, to what relief is the concerned workman entitled to?"

2. In this reference both the parties appeared before this Tribunal and filed their respective W.S. But subsequently they abstained from appearing before this Tribunal and taking any steps although registered notices were served upon them. It reveals from the record that the instant reference is pending since 1995 and it is of no use to drag the same any more for taking steps by the parties. Under such circumstances, a 'No dispute' Award is rendered and the reference is disposed of on the basis of 'No dispute' Award presuming non-existence of any industrial dispute between the parties presently.

**B. BISWAS, Presiding Officer**

नई दिल्ली, 5 फरवरी, 2002

का.आ. 795.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद

के पंचाट (संदर्भ संख्या 44/95) को प्रकशित करती है, जो केन्द्रीय सरकार को 1-2-2002 को प्राप्त हुआ था।

[सं. एल-20012/11/94-आई.आर. (सी-I)]

एस.एस. गुप्ता, अव्वर सचिव

New Delhi, the 5th February, 2002

S.O. 795.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 44/95) of the Central Government Industrial Tribunal II Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 1-2-2002.

[No. L-20012/11/94-IR-(C-I)]

S. S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

#### PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 44 of 1995

#### PARTIES :

Employers in relation to the management of Bhagaband Colliery of M/s. BCCL

AND

Their Workman

#### APPEARANCES :

On behalf of the Workman.—None.

On behalf of the Employers.—Shri H. Nath, Advocate.

STATE : Jharkhand. INDUSTRY : Coal.

Dated Dhanbad, the 22nd January, 2002

#### AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order

No. L-20012(11)/94-I.R.(Coal-I), dated. the 1st March, 1995.

#### SCHEDULE

“Whether the action of the management of Bhagaband Colliery Area No. VII of M/s. BCCL in not providing employment to dependent of Shri Sovi Yadav, U. G. Trammer Bhagaband Colliery as per clause 9.4.3 of the NCWA-IV is just, fair and legal? If not, to what relief the workman is entitled?”

2. The case of the concerned workman according to the W.S. in brief is as follows :—

The concerned workman in the W.S. submitted that he was working under the management as underground trammer since 3-12-61 to the entire satisfaction of the management. He submitted that as per NCWA there is provision for employment of the dependent of the worker who was declared permanently disabled due to injury or disease and as a result of which incumbent lost his service. He submitted that on the basis of the above provision of NCWA several dependents of the employees who were declared unfit due to injury or disease have been provided with employment by the management. He disclosed that in discharge of his duties under the management he became disabled permanently due to his illness and he was forwarded to the Apex Medical Board for his medical examination to that effect on 12-2-90 by order of the management. After his due examination by the Medical Officer of the said Apex Medical Board he was declared unfit for the job due to loss of his one eye and also due to his suffering from Osteo-Arthritis. He submitted that on the basis of the said report given by the Apex Medical Board the management declared him unfit and terminated him from service with effect from 27-3-90. He disclosed that according to clause 9.4.3 (i) of NCWA-IV one of his dependent is entitled to get employment and to that effect he submitted representation to the management but the management refused to consider the prayer. Consequent to that refusal the concerned workman through union raised industrial dispute before the ALC(C) for conciliation which ultimately resulted reference to this Tribunal.

3. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegation which the concerned workman asserted in the W.S. The management admitting the fact of termination of the services of the concerned workman due to his permanent physical disability owing to his ailment as per the report of the Apex Medical Board submitted that as per provision of clause 9.4.2 any dependent of the concerned workman is not entitled to get the benefit of employment in place of his father as the concerned workman at the time of his termination was more than 58 years of age. Accordingly the management submitted that the claim of the concerned workman is vague and for which he is not entitled to get any relief which he has prayed for.

4. The point for consideration in this reference are :—

“Whether the action of the management of Bhagaband Colliery Area No. VII of M/s. BCCL in not providing employment to dependent of Shri Sovi Yadav, U. G. Trammer, Bhagaband Colliery as per clause 9.4.3 of the NCWA-IV is just, fair and legal? If not, to what relief the workman is entitled?”

#### DECISION WITH REASONS

5. Considering the W.S. submitted by the concerned workman and the management I find no dispute to hold that the concerned workman was underground trammer under the management. It is also admitted position that the concerned workman was terminated from his service by the management before due date of his superannuation. It has been agitated by the concerned workman that as per the provision of clause 9.4.3 any of his dependent is entitled to get employment in his place on the ground of his permanent disability. The management on the contrary categorically denied the claim of the concerned workman. The management referring to clause 9.4.3 (2) submitted that at the time of his termination from service the concerned workman was above 58 years of age and for which he is not entitled to get any benefit which he has claimed for. Clause 9.4.3 (1) speaks that disablement of the worker concerned should arise from injury or disease be of permanent nature resulting into loss of employment and it should be so certified by the Coal Company concerned, while

clause II speaks in case of disablement arising out of general physical debility so certified by the coal company concerned, not arising out of injury or disease as in Para (i) above, the concerned employee will be eligible for the benefit under this clause if the employee is upto the age of 58 years. Therefore the difference of clause (i) and (ii) shows clearly that while employment to one dependent of a worker can be given if the workman loses his service due to permanent disability arising out of permanent injury or disease, while clause II speaks disablement arising out of general physical disability so certified by the Coal Co. It is the contention of the concerned workman that the Apex Medical Board declared him unfit due to loss of his one eye and also as he was suffering from Osteo-arthritis. He further submitted that on the basis of that report issued by the Apex Medical Board the management terminated his service with effect from 27-3-90. Accordingly it is the claim of the concerned workman that the management is liable to give employment to one of his dependent while the management submitted that as the concerned workman was above 58 years of age at the time of his permanent disablement declared by the Apex Medical Board he is not entitled to get any benefit as per sub-clause (ii) of Clause 9.4.3 of the NCWA. It has not been explained by the concerned workman how he lost his one eye i.e. whether it was due to his ailment or due to injury but it can be said safely that Osteo-arthritis is a disease which led him to permanent physical disablement. Therefore, according to sub-clause (i) of clause 9.4.3 as osteo-arthritis has to be considered as a disease, restriction of age relating to employment to one dependent according to sub-clause (ii) is not applicable in sub-clause (i) of clause 9.4.3. The management on the contrary in the W.S. categorically denied the fact relating to the sufferings of the concerned workman by osteo-Arthrities. The management submitted that he was declared unfit by the Apex Medical Board on the ground of loss of one eye enmelented Right eye with Caterathrities. The concerned workman had ample scope to establish his claim by adducing evidence and relying on cogent medical board report. The record will speak clearly that inspite of giving several chances the concerned workman has failed to appear before this Tribunal in the matter of taking up hearing of the case. He also did not consider necessary to assign reason for his non-appearance before this Tribunal. As

facts disclosed in the W.S. cannot be considered as substantive piece of evidence there is no reason to draw a conclusion in favour of the concerned workman just relying on the facts disclosed therein. The concerned workman had got ample scope to establish his own claim but he has misused the same. Accordingly at this stage I do not find any scope to give any relief to the concerned workman according to his prayer. In the result, the following Award is rendered :—

“The action of the management of Bhagaband Colliery Area No. VII of M/s. BCCL in not providing employment to dependent of Shri Sovi Yadav, U. G. Tramner, Bhagaband Colliery as per clause 9.4.3 of the NCWA-IV is just, fair and legal. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 20 फरवरी, 2002

का.आ. 796. :— जबकि केन्द्रीय सरकार की यह राय थी कि एयर इंडिया के प्रबन्धन और उनके कर्मचारियों के बीच औद्योगिक विवाद विद्यमान था ;

और जबकि केन्द्रीय सरकार की यह राय थी कि उपरोक्त विवाद में राष्ट्रीय महत्व का प्रश्न अन्तर्गत था, और इसका न्यायनिर्णयन एक राष्ट्रीय औद्योगिक न्यायाधिकरण द्वारा किया जाना चाहिए ;

और जबकि औद्योगिक विवाद अधिनियम 1947 की (धारा 7 ख 1947 का 14) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार के अम मंत्रालय ने आदेश सं. एल-11013/1/93-आई.आर. (विविध), दिनांक 19-10-93 के तहत एक राष्ट्रीय औद्योगिक न्यायाधिकरण का गठन किया जिसका मुख्यालय मुम्बई में रखा गया और इसके पीठासीन अधिकारी के रूप में न्यायमूर्ति श्री आर.जी. सिन्हाकर को नियुक्त किया और उपरोक्त अधिनियम की धारा 10 की उप-धारा 1क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उपरोक्त औद्योगिक विवाद को न्यायनिर्णयन के ए उपरोक्त राष्ट्रीय औद्योगिक न्यायाधिकरण के पास प्रेषित था ;

और जबकि इस मंत्रालय के दिनांक 11-9-95 के आदेश एल-11013/1/93-आई.आर. (विविध) ‘(कोयला-’ द्वारा एक अन्य राष्ट्रीय औद्योगिक न्यायाधिकरण का किया गया था जिसका मुख्यालय मुम्बई में रखा गया न्यायमूर्ति श्री आर.एस. वर्मा को इसके पीठासीन के रूप में नियुक्त किया गया तथा उपर्युक्त औद्योगिक विवाद न्यायनिर्णयन के लिए इस निदेश के साथ उक्त

राष्ट्रीय औद्योगिक न्यायाधिकरण को भेजा गया था कि ऊ मामले में उसी स्थिति में कार्यवाई आरंभ की जाए जहाँ पर उसे पूर्व पदधारी द्वारा छोड़ दिया गया था ;

और जब कि उपर्युक्त औद्योगिक विवाद में अंतिम निर्णय अभी भी लंबित है ;

अब, इसलिए, एक राष्ट्रीय औद्योगिक न्यायाधिकरण का गठन किया जाता है, जिसका मुख्यालय मुम्बई में होगा तथा जिसके पीठासीन अधिकारी न्यायमूर्ति श्री एस.सी. पांडे होंगे और उपरोक्त विवाद को इस निदेश के साथ न्यायनिर्णयन के लिए उपरोक्त राष्ट्रीय औद्योगिक न्यायाधिकरण को भेजा जाना है कि न्यायमूर्ति श्री पांडे उस स्थिति में न्यायिक कार्यवाई शुरू करेंगे जहाँ पर न्यायमूर्ति श्री आर.एस. वर्मा ने उसे छोड़ दिया था और उसे कानून के अनुसार निष्पादित करेंगे ।

[फा.सं. एल-11013/1/93-आई.आर. (विविध)/काल-1]

एस.एस. गुप्ता, अवसर सचिव

New Delhi, the 20th February, 2002

S.O. 796.—Whereas the Central Government was of the opinion that an Industrial Dispute existed between the management of Air India and their workmen;

And whereas the Central Government was of the opinion that the above mentioned dispute involved a question of national importance and should be adjudicated by a National Industrial Tribunal;

And whereas the Central Government, in exercise of powers conferred by Section 7B of the Industrial Disputes Act, 1947 (14 of 1947), constituted a National Industrial Tribunal vide Ministry of Labour Order No. L-11013/1/93-IR(Misc.) dtd. 19-10-1993 with headquarters at Bombay and appointed justice R. G. Sindhakar as its Presiding Officer and in exercise of the powers conferred by Sub-section 1A of Section 10 of the said Act, referred the said Industrial Dispute to the said National Industrial Tribunal for adjudication;

And whereas another National Industrial Tribunal was constituted with headquarters at Bombay with justice R. S. Verma as its Presiding Officer vide this Ministry's Order No. L-11013/1/93-IR(Misc.) (Coal-I) dated 11-9-1995 and the above said Industrial Dispute was referred to the said National Industrial Tribunal for adjudication with the direction to proceed with the matter from the stage at which it was left by the previous incumbent;

And Whereas the above mentioned Industrial Dispute is still pending final determination;

Now, therefore, a National Industrial Tribunal is constituted;

With headquarter at Bombay with justice S. C. Pandey as its Presiding Officer and the above said dispute is referred to the said National Industrial Tribunal for adjudication with the direction that

justice Pandey shall proceed in the matter from the stage it was left by justice R. S. Verma and dispose of the same according to law.

[File No. L-11013/1993-IR(Misc.)/IR(C-I)]

S. S. GUPTA, Under Secy.

नई दिल्ली, 20 फरवरी, 2002

का.आ. 797.—जबकि केन्द्रीय सरकार की यह राय थी कि इंडियन एयरलाइंस के प्रबंधन और उनके कर्मचारों के बीच औद्योगिक विवाद विद्यमान था;

और जबकि केन्द्रीय सरकार की यह राय थी कि उपरोक्त विवाद का न्यायनिर्णयन एक राष्ट्रीय औद्योगिक न्यायाधिकरण द्वारा किया जाना चाहिए;

और जबकि औद्योगिक विवाद अधिनियम, 1947 की धारा 7ब (1947 का 14) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार के श्रम मंत्रालय के आदेश संख्या एल-11013/3/89-आई.आर. (विविध), दिनांक 7/9-12-1990 के तहत एक राष्ट्रीय औद्योगिक न्यायाधिकरण का गठन किया जिसका मुख्यालय मुंबई में रखा गया और उसके पीठासीन अधिकारी के रूप में न्यायमूर्ति श्री एस.एन. खत्री को नियुक्त किया और उपरोक्त अधिनियम की धारा-10 की उप-धारा 1क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उपरोक्त औद्योगिक विवाद को न्यायनिर्णयन के लिए उपरोक्त राष्ट्रीय औद्योगिक न्यायाधिकरण को भेजा गया।

और जबकि इस मंत्रालय के दिनांक 12/13-8-1993 के आदेश संख्या एल-11011/3/89-आई.आर. (विविध) के द्वारा एक अन्य राष्ट्रीय औद्योगिक न्यायाधिकरण का गठन किया गया था जिसका मुख्यालय मुंबई में रखा गया और न्यायमूर्ति श्री आर.जी. सिधाकर को इसके पीठासीन अधिकारी के रूप में नियुक्त किया गया था तथा उपर्युक्त औद्योगिक विवाद न्यायनिर्णयन के लिए इस निर्देश के साथ उक्त राष्ट्रीय औद्योगिक न्यायाधिकरण को भेजा गया था कि उक्त मामले में उसी स्थिति से कार्रवाई आरंभ की जाए जहां पर उसे पूर्व पदधारी द्वारा छोड़ दिया गया था;

और जबकि इस मंत्रालय के दिनांक 11-9-95 के आदेश संख्या एल-11011/3/89-आई.आर. (विविध) (कोयला-1) द्वारा एक अन्य राष्ट्रीय औद्योगिक न्यायाधिकरण का गठन किया गया था जिसका मुख्यालय मुंबई में रखा गया और न्यायमूर्ति श्री आर.एस. वर्मा को इसके पीठासीन अधिकारी के रूप में नियुक्त किया गया तथा उपर्युक्त औद्योगिक विवाद न्यायनिर्णयन के लिए इस निर्देश के साथ उक्त राष्ट्रीय औद्योगिक न्यायाधिकरण को भेजा गया था कि उक्त मामले में उसी स्थिति से कार्रवाई आरंभ की जाए जहां पर उसे पूर्व पदधारी द्वारा छोड़ दिया गया था;

और जब कि उपर्युक्त औद्योगिक विवाद में अंतिम निणय अभी भी लंबित है;

अब, इसलिए, एक राष्ट्रीय औद्योगिक न्यायाधिकरण का गठन किया जाता है, जिसका मुख्यालय मुंबई में होगा तथा जिसके पीठासीन अधिकारी न्यायमूर्ति श्री एस.सी. पांडे होंगे और उपरोक्त विवाद को इस निर्देश के साथ न्यायनिर्णयन के लिए उपरोक्त राष्ट्रीय औद्योगिक न्यायाधिकरण को भेजा जाता है कि न्यायमूर्ति श्री पांडे उस स्थिति से न्यायिक कार्रवाई शुरू करेंगे जहां पर न्यायमूर्ति श्री आर.एस. वर्मा ने उसे छोड़ दिया था और उसे कानून के अनुसार निष्पादित करेंगे।

[फा.सं. एल-11013/3/89-आई.आर. (विविध)/कोल-1]

एम.एस. गुप्ता, अवर सचिव

New Delhi, the 20th February, 2002

S.O. 797.—Whereas the Central Government was of the opinion that an Industrial Dispute existed between the management of Indian Airlines and their workmen;

And whereas the Central Government was of the opinion that the above mentioned dispute should be adjudicated by a National Industrial Tribunal;

And whereas the Central Government, in exercise of powers conferred by Section 7B of the Industrial Disputes Act, 1947 (14 of 1947) constituted a National Industrial Tribunal vide Ministry of Labour Order No. L-11011/3/89-IR(Misc.) dtd. 7/9-12-1990 with headquarters at Bombay and appointed justice S. N. Khatri as its Presiding Officer and in exercise of the powers conferred by Sub-section 1A of Section 10 of the said Act, referred the said Industrial Dispute to the said National Industrial Tribunal for adjudication;

And whereas another National Industrial Tribunal was constituted with headquarters at Bombay with justice R. G. Sindhakar as its Presiding Officer, vide this Ministry's Order No. L-11011/3/89-IR(Misc.) dated 12/13-8-1993 and the above said Industrial Dispute was referred to the said National Industrial Tribunal for adjudication with the direction to proceed with the matter from the stage at which it was left by the previous incumbent.

And whereas another National Industrial Tribunal was constituted with headquarters at Bombay with justice R. S. Verma as its Presiding Officer vide this Ministry's Order No. L-11011/3/89-IR (Misc.) (Coal-I) dated 11-9-95 and the above said Industrial Dispute referred to the said National Industrial Tribunal for adjudication with the direction to proceed with the matter from the stage at which it was left by the previous incumbent;

And whereas the above mentioned Industrial Dispute is still pending final determination;

Now, therefore, a National Industrial Tribunal is constituted with headquarter at Bombay with justice S. C. Pandey as its Presiding Officer and the above said dispute is referred to the said National Industrial Tribunal for adjudication with the direction that

Justice Pandey shall proceed in the matter from the stage it was left by Justice R. S. Verma and dispose of the same according to law.

[File No. L-11011/3/89-IR(Misc.)/IR(C-I)]

S. S. GUPTA, Under Secy.

नई दिल्ली, 15 फरवरी, 2002

का.आ. 798.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 मार्च, 2002 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 अध्याय-5 और 6 (धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध हरियाणा राज्य के निम्न-लिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

क्र.सं.	राजस्व ग्रामों का नाम	हदबस्त संख्या	जिला
1.	कचरोली	1	पानीपत
2.	सिमला मुलाना	2	पानीपत
3.	अजीजलापुर	5	पानीपत
4.	चन्दौली	6	पानीपत
5.	कुटानी	8	पानीपत
6.	फरीदपुर	17	पानीपत
7.	राजाखेड़ी	25	पानीपत
8.	बिजोल	28	पानीपत
9.	सिवाह	32	पानीपत
10.	बड़ौली	33	पानीपत
11.	बाबरपुर	34	पानीपत

[संख्या एन-38013/3/2002-एस.एस.-I]

के. सी. जन, निदेशक

New Delhi, the 15th February, 2002

S. O. 798.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st March, 2002 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Haryana namely:

S. No.	Name of Revenue Village	Had Bast District No.
1.	Kachrauli	1 Panipat
2.	Simla Mulana	2 Panipat
3.	Azizula Pur	5 Panipat
4.	Chandauli	6 Panipat
5.	Kutani	8 Panipat
6.	Faridpur	17 Panipat
7.	Raja Kheri	25 Panipat
8.	Binjhol	28 Panipat
9.	Sewah	32 Panipat
10.	Barauli	33 Panipat
11.	Babarpur	34 Panipat

[No. S-38013/3/2002-SS. I]

K. C. JAIN, Director

